



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.5194 of 2022

Boopathi

...Petitioner

Vs.

1.The District Collector,
Dharmapuri,
Dharmapuri District.

2.The Revenue Divisional Officer,
Harur,
Dharmapuri District.

3.The Thasildhar,
Pappireddipatti,
Dharmapuri District.

4.Palani

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the second respondent in Ne.Mu.5207/2021/A6 dated 03.01.2022 and to quash the same as illegal and unsustainable and further direct the second respondent to issue Patta in the name of petitioner.

For petitioner	: Mr.V.Sakkarapani
For Respondents	: Mr.M.Murali Government Advocate

ORDER

The petitioner has filed this petition to issue a Writ of Certiorarified Mandamus to call for the records of the second respondent in Ne.Mu.5207/2021/A6 dated 03.01.2022 and to quash the same as illegal and unsustainable and further direct the second respondent to issue Patta in the name of petitioner.



WEB COURT

2. Mr.M.Murali, learned Government Advocate takes notice for the respondents. In view of the limited relief sought for in this petition and on the consent expressed by the learned counsel appearing on either side, this petition is taken up for final disposal.

3. Since, no adverse order is being passed against the fourth respondent, notice to the fourth respondent is dispensed with.

4. The case of the petitioner is that the petitioner is the owner of the property comprised in S.No.66/1-Acre 0.81 cents, 66/5-Acre 0.65 cents & 66/8-Acre 1.04 cents, situated at Mookareddipatti Village, Irulapatti Tharapu, Pappireddipatti Taluk, Dharmapuri District. Earlier, petitioner's father and Natesan had entered into a Sale Agreement on 13.12.2004, for the above said property. While so, after receiving the advance amount, the said Natesan had not executed the Sale Deed in favour of the petitioner's father, for which, petitioner's father had filed a suit in O.S.No.275/2005 before the District Munsif Court, Harur. Thereafter, the case was transferred to the District Munsif Court, Pappireddipatti and renumber as O.S.No.138/2008 and during the pendency of suit the said Natesan passed away. Subsequently, the fourth respondent was impleaded in the suit, and the said suit was decreed in favour of the petitioner's father. Even then, the fourth respondent had not executed a Sale Deed in favour of petitioner's father. Thereby, petitioner's father filed a REP.No.8/2013 and the same was allowed and executed a Sale Deed in favour of petitioner's father. However, the petitioner acquired the property by way of Gift Settlement Deed from his father on 02.07.2019, and obtained Patta in his name on 07.11.2021, and the said Patta was cancelled by the second respondent without issuing any notice to the petitioner, on the instigation of the fourth respondent based on his application. Challenging the same, the present Writ Petition has been filed by the petitioner for the above relief.

5. Though very many grounds have been raised, learned counsel for the petitioner submits that this Court may permit the petitioner to file an appeal before the District Revenue Officer as against the order passed by the Revenue Divisional Officer.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, permits the petitioner to file an appeal before the District



Revenue Officer as against the order passed by the Revenue Divisional Officer under Section 13 of the Patta Pass Book Act without interfering the impugned order within a period of four weeks from the date of receipt of copy of this order, and on such appeal District Revenue Officer shall pass appropriate orders, and the Registry is directed to return the original impugned order to enable him to appeal before the District Revenue Officer.

7. Accordingly, this writ petition is disposed of with the aforesaid direction. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The District Collector,
Dharmapuri,
Dharmapuri District.

2.The Revenue Divisional Officer,
Harur,
Dharmapuri District.

3.The Thasildhar,
Pappireddipatti,
Dharmapuri District.

+1 CC to The Government Pleader sr 16246

+1 CC to Mr.V.Sakkarapani, Advocate sr 15587

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PA(CO)
SP(25/03/2022)