

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.34434 of 2013 and
M.P.No. 1 of 2013

P.Myilsamy

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Coimbatore.
2. Smt.Savithri

... Respondents

PRAYER: The Writ Petition filed under Section 226 of Constitution of India, pleaded to issue a Writ of Certiorari to call for the records from the file of the 1st respondent made in Mu.Mu.7596/2012/A2 dated 26.06.2013 and quash the same.

For Petitioners	: Mr.SU.Srinivasan
For RR1	: Mr.A.Anandan, Government Advocate
For RR2	: No appearance

O R D E R

Writ Petition has been filed for writ of Certiorari to call for the records on the file of the 1st respondent made in Mu.Mu.7596/2012/A2 dated 26.06.2013 and quash the same.

2. The case of the petitioner is that the petitioner's father settled the properties in favour of the petitioner on 29.03.2013 and to his brother by bequeathing a Will dated 24.12.1993 . Subsequent to the Will, the petitioner got the revenue records changed in his name. While so, the 2nd respondent who is the sister of the petitioner herein, had filed the petition to the 1st respondent on 17.12.2012, alleging that the petitioner have committed fraud and cheating to get patta in his favour and sought for deleting the petitioner's name from the revenue records in respect of the properties which was settled in his favour and thereby, the 1st respondent has passed the impugned order dated 26.06.2013, cancelling the patta transfer in favour of the petitioner and restored the patta in the name of the petitioner's father. Challenging the impugned order dated 26.06.2013, the present petition is filed.

3. The learned counsel appearing for the petitioner submitted that the 2nd respondent made application on 17.12.2012,

before the appellate authority / Revenue Divisional Officer for cancellation of patta in respect of S.F.No.543 and based on the said application, the patta was cancelled and restored in the original position. The learned counsel appearing for the petitioner limited his prayer to the extent that as against the order passed by the Revenue Divisional Officer, in terms of Section 12 of the Patta Passbook Act, an effective remedy for filing Revision Petition under Section 13 of the said Act before the District Revenue Officer, is available and therefore, the petitioner may be given liberty to avail the said remedy.

4. The learned Government Advocate appearing for the official respondents has no objection for said order being passed.

5. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, permits the petitioner to file a Revision Petition before the District Revenue Officer, who is a revisional authority, under Section 13 of the Patta Passbook Act, within a period of two weeks from the date of receipt of a copy of this order and the said District Revenue Officer shall consider the said Revision Petition filed by the petitioner, within a period twelve weeks from the date of filing of the revision petition, after providing opportunity to the 2nd respondent.

6. The Writ Petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sk

To

The Revenue Divisional Officer,
Coimbatore.

Copy to:

The District Revenue Officer, Coimbatore.

+1cc to Mr.S.Vediappan, Advocate, S.R.No.13503

+1cc to Mr.SU.Srinivasan, Advocate, S.R.No.13422

W.P.No.34434 of 2013

SPD(CO)

CT 21/03/2022