



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.10579 of 2022
W.M.P.No.10246 of 2022

S.Marimuthu

... Petitioner

Vs.

1. The Commissioner of Land Administration,
2nd floor, Ezhilagam, Chepauk,
Chennai - 600 005.

2. The Tahsildhar,
Taluk Office, Shozhinga Nallur,
Chennai - 600 091.

... Respondents

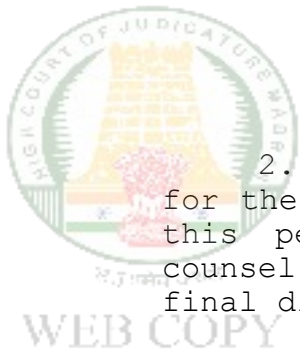
Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining the impugned order, Na.Ka.No.3028/2019/A1 dated 23.09.2019 issued by the second respondent and quash the same and consequently considering the representation dated 23.03.2022 given by the petitioner to the first respondent to issue Patta to the petitioner under the Tamil Nadu Patta Pass Book Act, 1986.

For petitioner : Mr.P.Vijendran

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 pertaining the impugned order, Na.Ka.No.3028/2019/A1 dated 23.09.2019 issued by the second respondent and quash the same and consequently considering the representation dated 23.03.2022 given by the petitioner to the first respondent to issue Patta to the petitioner under the Tamil Nadu Patta Pass Book Act, 1986.



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. The case of the petitioner is that the petitioner is the owner of the property comprised in S.No.184/4, measuring an extent of 3116 Sq.ft, situated at Madipakkam village. The petitioner had acquired the above said property by a registered Sale Deed dated 18.02.1988 vide Registration No.542, on the file of SRO, Alandur. Hence, the petitioner had made an application before the respondents for issuance of Patta. However, the said application was rejected by the Tahsildar on the ground that the said land was classified as "Nanjai Anadheenam". Challenging the same, the present Writ Petition has been filed by the petitioner for the above relief.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that petitioner claiming Patta based on his title, however, the Tahsildhar, without considering the title rejected the petitioner application on the ground that the said land is classified as "Nanjai Anaadeenam".

5. The learned Government Advocate appearing for the respondents submits that there is an effective remedy available before the Revenue Divisional Officer under Section 12 of the Patta Passbook Act, petitioner instead of availing such a remedy, filing of the present writ petition is not sustainable.

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 Jurisdictional Revenue Officer within a period of two weeks from the date of receipt of a copy of this order, if such an appeal is filed the Revenue Divisional Officer is directed to pass appropriate orders as expeditiously as possible, after affording an opportunity to the aggrieved persons.

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

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar



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To

1. The Commissioner of Land Administration,
2nd floor, Ezhilagam, Chepauk,
Chennai - 600 005.

2. The Tahsildhar,
Taluk Office, Shozhinga Nallur,
Chennai - 600 091.

+1cc to Mr.P.Vijendran, Advocate SR. No. 29592

+1cc to Government Pleader SR. Nos. 30965, 30854

W.P.No.10579 of 2022
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RK (CO)
PR (20/05/2022)