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W.P.No.12372 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.12372 of 2022

and

W.M.P.No.11823 of 2022

Eswari

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Vellore,
Vellore District.

2. The Tahsildar,
Katpadi Taluk Office,
Katpadi,
Vellore District.

3. R.Malathi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records of the impugned order passed by the first respondent in Impugned order MUU.MUU.A2/4675/200 dated 01.04.2022 and quash the same.

For Petitioner : Mr.A.Saranraj

For R1 & R2 : Mr.Yogesh Kannadasan
Special Government Pleader



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ORDER

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This Writ Petition has been filed seeking for issuance of a Writ of Certiorari to call for the records of the impugned order passed by the first respondent in Impugned order No.MUU.MUU.A2/4675/200 dated 01.04.2022 and quash the same.

2. The case of the petitioner is that she is the absolute owner and continuous possession and enjoyment of the property situated at Thenpalli Village, Katpadi Taluk, Vellore District, comprised in Survey No.334 (New Survey No.398/34) measuring an extend of 743 sq.mt together with house. The grievance of the petitioner is that her father was in possession and enjoyment of the said property as "Grama Natham" for more than 65 years. Further, the second respondent issued "Grama Natham" Patta on 08.10.1993 vide Patta No.294 in the name of the petitioner's father. After the demise of the petitioner's father, petitioner's mother and three brothers had executed a Release Deed in favour of the petitioner vide Document No.10003/2013 on the file of Sub Registrar Office, Katpadi. While so, the third respondent made a complaint to the first respondent, seeking to cancel the Patta No.294 issued in favour of the petitioner's father and requesting to hand over the property to her. Pursuant to which, the first respondent/Revenue Divisional



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Officer passed an order dated 01.04.2022, directing the petitioner to vacate from the aforesaid property and cancelled the Patta issued in favour of the petitioner's father. Challenging the same, the petitioner has filed the present Writ Petition.

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

4. The learned counsel for the petitioner submitted that, though the Patta was granted by the second respondent in the year 1993, the third respondent made an application before the first respondent to cancel the Patta issued in favour of the petitioner's father. However, the first respondent by an order dated 01.04.2022, has cancelled the Patta issued in favour of the petitioner's father is not sustainable. Hence, the petitioner prays for passing appropriate orders.

5. Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents 1 & 2 submitted that, as against the order passed by the Revenue Divisional Officer, there is an effective remedy available before the District Revenue Officer. Instead of approaching the District Revenue Officer, filing the present Writ Petition is not sustainable.



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Accordingly, he prays for dismissal of this Writ Petition.

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6. Heard the learned counsel for the petitioner as well as the learned Special Government Pleader appearing for the respondents 1 & 2 and perused the materials available on record.

7. 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 within a period of two weeks from the date of receipt of a copy of this order, and if such appeal is filed, then the District Revenue Officer, Vellore is directed to pass appropriate orders on merits and in accordance with law, within a period of twelve weeks thereafter.

8. With the above observations and directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes / No
Speaking order: Yes/ No
jd



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Katpadi,
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 3. The District Revenue Officer,
Vellore District, Vellore.



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M.DHANDAPANI, J.

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