



W.P.No.30731 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.09.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.30731 of 2016

Bhawari Bai

..Petitioner

Vs.

The Tahsildar,
Sholinganallur Taluk,
Sholinganallur,
Kancheepuram District.

...Respondents

Prayer: Writ petition has been filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus calling for the records of the respondent bearing RPT 7243/14-15 dated 03.08.2015 and quash the same and to direct the respondent to issue patta to the petitioner in respect of the land admeasuring an extent of 2616 sq.ft comprised in Old Survey No.235/A1 and New survey No.235/5, patta No.1885 as per patta survey No.235/5C2, Kottivakkam Village, Saidapet Taluk, Kancheepuram District.

For Petitioner : Mr.L.Dhamodaran

For Respondent : Mr.Vadiveludeenadayalan
Additional Government Pleader



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ORDER

This petition has been filed for issuance of writ of Certiorarified Mandamus to call for the records of the respondent dated 03.08.2015 and quash the same and to direct the respondent to issue patta to the petitioner in respect of his land.

2. The case of the petitioner is that he has purchased the land measuring an extent of 2616 sq.ft comprised in Old S.F.No.235/A1 and New S.F.No.235/5, Patta No.1885 as per patta S.F.No.235/5C2, Kottivakkam Village, Saidapet Taluk, Kancheepuram District and from the date of purchase, the petitioner is in possession and enjoyment of the said property, however initially patta stands in the name of his vendor viz., Govindu. While such being the position, the petitioner received a court summon for the Suit bearing O.S.No.287/2015, District Munsif Court, Alandur, filed by one Vijayakumar. Immediately the petitioner has submitted an application with the respondent along with the copy of his Sale Deed and other title document for transfer of patta, however the respondent returned his application by referring to the suit proceeding in



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O.S.No.287/2015, vide order dated 03.08.2015. Challenging the same, the petitioner is before this Court.

3. The learned counsel appearing for the petitioner submitted that the Suit is filed for bare injunction, which does not deprive the right of the petitioner for transfer of patta and further the Tahsildar has to *prima facie* consider, whether the petitioner is entitled to patta or not and he has no right to decide the title between the parties and prays for allowing of this petition.

4. The learned Special Government Pleader appearing for the official respondents submitted that as against the order passed by the respondent, there is an effective alternative remedy is available under Section 12 of the Tamil Nadu Patta Passbook Act and thereafter before the District Revenue Officer under Section 13 of the said Act. However, the petitioner without availing the said remedies, straight away approached this Court by filing the writ petition, is not justifiable and hence prays for dismissal of this petition.



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M.DHANDAPANI.,J.

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5. As pointed out by the learned Special Government Pleader, the petitioner had effective remedy before the competent authority and without availing the said remedies, filing writ petition seeking quashment of the impugned order is not sustainable. Hence, the petitioner is directed to file appropriate petition before the Revenue Divisional Officer under Section 12 of the Tamil Nadu Patta Passbook Act, for redressal of his grievance.

6. This Writ Petition is dismissed with the above observations. No costs. Consequently connected miscellaneous petitions are closed.

19.09.2022

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To
The Tahsildar,
Sholinganallur Taluk,
Sholinganallur,
Kancheepuram District.

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