

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.14888 of 2022 and
W.M.P.No.14093 of 2022

E.Mahendran

...Petitioner

vs.

1. The District Collector,
Tiruppur District.

2. The Tahsildar,
Dharapuram Taluk,
Tiruppur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for records pertaining to the E-Order passed by the 2nd respondent dated 17.02.2022 and quash the same as illegal and consequentially direct the 2nd respondent to consider the petitioner online patta application No.2021/0105/32/193857 and issue the separate patta in petitioner name in S.No.101/8A (Site No.6) at extent of 4383 sq. ft. at Kolathupalayam Village, Dharapuram Taluk.

For Petitioner : Mr.M.Guruprasad
For Respondents: Mr.G.Krishna Raja
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus calling for records pertaining to the E-Order passed by the 2nd respondent dated 17.02.2022 and quash the same as illegal and consequentially direct the 2nd respondent to consider the petitioner's online patta application No.2021/0105/32/193857 and issue separate patta in favour of the petitioner in S.No.101/8A (Site No.6) of an extent of 4383 sq. ft. at Kolathupalayam Village, Dharapuram Taluk.

2. The case of the petitioner is that he acquired the property in above said Village from one K.Arumugam vide sale deed dated 19.11.2021. Thereafter, the Revenue Records were also mutated in favour of the petitioner and a joint patta was issued by the 2nd respondent vide proceedings dated 26.11.2021 in favour of the petitioner. In order to obtain separate patta in respect of the land measuring an extent of 4383 sq. ft., the petitioner made a representation / on-line application dated 17.12.2021, before the second respondent, and the said application was rejected by the second respondent rejected the petitioner's application vide proceedings dated 17.02.2022, stating that the adjacent owner of the petitioner namely one Chitra filed a suit in O.S.No.332 of 2021 against the petitioner's vendor which is still pending on the file of Subordinate Court, Dharapuram. Earlier, the said Chitra purchased the land adjacent to the petitioner's vendor and thereafter, illegally encroached certain extent of the land of the petitioner's vendor. While that being so, the said Chitra filed a suit for declaration in O.S.No.332 of 2021 against the petitioner's vendor, which is still pending. Challenging the impugned order dated 17.02.2022, passed by the second respondent, the petitioner has filed the present Writ Petition with the aforesaid relief.

3. Learned counsel for the petitioner submitted that though the petitioner has filed this Writ Petition, challenging the impugned order dated 17.02.2022 passed by the second respondent in Order No.2021//0105/32/193857, he fairly conceded that as against the order passed by the second respondent, there is an effective appeal remedy available before the Appellate authority/ Revenue Divisional Officer under Section 12 of Tamil Nadu Patta Passbook Act, 1984. Hence, he restricted his prayer and sought permission of this Court to file an appeal before the Appellate Authority / Revenue Divisional Officer.

4. Heard the arguments advanced on either side and perused the materials available on record.

5. In view of the fair stand taken by the learned counsel for the petitioner, this Court without interfering with the order under challenge, grants permission to the petitioner to file appropriate appeal before the Appellate authority / Revenue Divisional Officer concerned within a period of two weeks from the date of receipt of a copy of this order. On receipt of such appeal petition, the concerned RDO is directed to consider the same on merits and dispose of the said appeal in accordance with law as expeditiously as possible.

6. This Writ Petition is accordingly disposed of. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VIII)

// True Copy //

Sub Assistant Registrar

RAP

To

1. The District Collector,
Tiruppur District.
2. The Tahsildar,
Dharapuram Taluk,
Tiruppur District.

+1cc to the Government Pleader, SR.No.37189

W.P.No.14888 of 2022

PL(CO)
CB(18/07/2022)