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W.P.No.30011 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.30011 of 2022

- 1.V.R.Subraminyam
- 2.V.R.Thirumurthy
- 3.P.Madeswaran
- 4.M.Devarajan
- 5.M.Sampath

... Petitioners

Vs

- 1.The Secretary to Government of Tamil Nadu,
Department of Revenue and Disaster Management,
Chennai 600 009.
 - 2.The Commissioner of Erode,
Office of the Commissionerate.
 - 3.The District Collector, Erode.
Office of the District Collectorate-Erode.
 - 4.The District Revenue Officer-Erode.
 - 5.The Revenue Divisional Officer-Erode
 - 6.The Tahsildar – Erode Revenue area.
- Respondents

...

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for Writ of Certiorarified Mandamus, to call for the records of the impugned speaking rejection order No.Na.Ka.1543/2022/B1 dated



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23.03.2022 to be quash the same and consequently direct the respondent to issue patta in respect of Gramanatham re-Survey No.1504/8 and 1504/9 Old Survey No.92/2 as per village record and 10(1) register in Veerappanchatram Village (Erode-A) Erode Division & Erode District as per (old) original findings and recommendation of the Revenue Tahsildar and other officials in the revenue village.

For Petitioners : Dr.G.Babu

For Respondents : Mr.T.K.Saravanan
Government Advocate

ORDER

This Writ Petition has been filed to call for the records of the impugned speaking rejection order No.Na.Ka.1543/2022/B1 dated 23.03.2022 to be quashed the same and consequently direct the respondent to issue patta in respect of Gramanatham re-Survey No.1504/8 and 1504/9 Old Survey No.92/2 as per village record and 10(1) register in Veerappanchatram Village (Erode-A) Erode Division & Erode District as per (old) original findings and recommendation of the Revenue Tahsildar and other officials in the revenue village.

2.The case of the petitioners is that they are all neighbours' who are in possession and enjoyment of the Gramanatham land comprised in



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Gramanatham Re-Survey Nos.1504/8 and 1504/9, Old Survey No.92 situated at Veerappanchatram Village (Erode-A). The petitioners are in possession and enjoyment of the above said land by putting a small hut as their dwelling place and living there for several decades and received land tax, electricity, water connection and other basic amenities. While so, the petitioners approached the revenue authorities through various representations for issuance of patta in their favour for their respective lands, based on the valid registered documents which was authorised by the Registration Department from their respective ancestors. Since, no orders were passed on the said representations, the petitioners filed W.P.No.5526 of 2022 before this Court seeking direction to issue patta and this Court vide its order dated 07.04.2022 closed the said Writ Petition, on the ground that during the pendency of the said petitioner, the Revenue Divisional Officer considered the petitioner's representation and the same was rejected. Prior to the said Writ Petition the Revenue Divisional Officer vide his proceedings Na.Ka.1543/2022/A1 dated 23.03.2022 passed the impugned order rejecting the petitioners claim. Challenging the same, the present Writ Petition is filed.

3.Learned counsel for the petitioners submit that the petitioners made



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an application for issuance of patta under the Natham Scheme. However, no order was passed and hence, the petitioners filed a Writ Petition in W.P.No.5526 of 2022 before this Court and this Court vide its order dated 07.04.2022, closed the Writ Petition recording that during the pendency of the said Writ Petition, the Revenue Divisional Officer rejected the petitioner's application on 23.03.2022, vide his proceedings in Na.Ka.1543/2022/B1. Therefore, he prayed for appropriate orders.

4.Learned counsel appearing for the petitioners further submits that though the property in S.Nos.1504/8 and 1504/9 Old S.No.92-A as per Village record and 10(1) register belong to one Karthikeyan, V.R.Subramaniam. V.R.Thirumurthy, P.Madeswaran and one M.Sampath. They made an application claiming patta before the Revenue Divisional Officer. However, no order was passed, even after the direction issued by this Court, request for issuance of patta application was rejected. Hence, the present Writ Petition is filed.

5.Per contra, the learned Government Advocate appearing for the respondents would submit that as against the order passed by the Revenue



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Divisional Officer, there is an effective Appeal remedy available before the Revisional Authority/ the District Revenue Office, while so, without availing the said appeal remedy filing this Writ petition is not sustainable. Hence, he prayed for dismissal of this Writ petition.

6. Heard the arguments advanced by the learned counsel on either side and perused the materials available on record.

7. Though very many grounds have been raised by the learned counsel on either side at the time of arguments, however, when this Court expressed its opinion that, as against the order passed by the Revenue Divisional Officer, there is an effective appeal remedy available before the Appellate authority / District Revenue Officer, in terms of Section 13 of the Tamil Nadu Patta Passbook Act, 1983, and without exhausting the said appeal remedy, straight away approaching this Court by way of filing this Writ petition, challenging the order passed by the Revenue Divisional Officer is not sustainable, the learned counsel for the petitioners fairly restricted the prayer and sought permission of this Court, to file appropriate Revision before the 4th respondent / Revisional authority as against the order dated



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23.03.2020 passed by the Revenue Divisional Officer. Further, the learned counsel appearing for the respective respondents have not expressed any serious objection for the limited relief sought for by the petitioner.

8.In view of the aforesaid stand taken by the learned counsel for the petitioners, this Court, without interfering with the order under challenge, grants permission to the petitioners to file appropriate revision before the 4th respondent / Revisional Authority within a period of two weeks from the date of receipt of a copy of this order. On receipt of such revision, the 4th respondent shall consider the same on merits and in accordance with law and pass appropriate orders within a period of twelve weeks thereafter, after affording an opportunity of personal hearing to the petitioner and the private respondents.

9.This Writ Petition is accordingly, disposed of. No costs.

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Index : Yes/No
Speaking Order : Yes/No



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Note: Registry is directed to return the original impugned order to the petitioner.

To

- 1.The Secretary to Government of Tamil Nadu,
Department of Revenue and Disaster Management,
Chennai 600 009.
- 2.The Commissioner of Erode,
Office of the Commissionerate.
- 3.The District Collector, Erode.
Office of the District Collectorate-Erode.
- 4.The District Revenue Officer-Erode.
- 5.The Revenue Divisional Officer-Erode
- 6.The Tahsildar – Erode Revenue area



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M.DHANDAPANI,J.

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