



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.31092 of 2014

P.Latha

...Petitioner

Vs.

1. The District Collector,
Namakkal District,
Namakkal.

2. The Special Tahsildar,
Town Survey Department,
Thiruchengode,
Namakkal District.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records comprised in O.Mu.19/2014 dated 07.02.2014, on the file of the 2nd respondent, quash the same and consequently direct the respondents to change the name in patta no.111, in so far as the land in Survey no.71/1 measuring 0.0276.5 Sqmts situate in New T.S.no.92, Ward No.A, Block-10 of No.33, Seetharampalayam Village, Thiruchengode Taluk, Namakkal District, based upon the representation of the petitioner dated 26.05.2014 and 05.11.2014.

For Petitioner : Mr.R.Bharanidharan

For Respondents: Mr.Yogesh Kannadasan

Special Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in O.Mu.19/2014 dated 07.02.2014, quash the same and consequently direct the respondents to change the name in patta no.111, based on the petitioner's representation dated 26.05.2014 and 05.11.2014.



2. The case of the petitioner is that, the land comprised in Survey No.71/1, measuring an extent of 0.0276.5 Sq. mts., situated in New T.S.No.92, Ward No.A, Block-10 of No.33, Seetharampalayam Village, Thiruchengode Taluk, Namakkal District originally belonged to one Paavayee Ammal / mother of the petitioner and she had purchased the same from one Palanisamy by way of registered sale deed dated 27.04.1970. Whiles, one Ravi, who is the step brother of the petitioner, had illegally transferred the patta in respect of the above said land in his favour, without the knowledge of the petitioner's mother. Immediately thereafter, the petitioner's mother made a representation dated 09.04.2007 before the 1st respondent and the same was forwarded to the Zonal Deputy Tahsildar, Thiruchengode, pursuant to which, Zonal Deputy Tahsildar, Thiruchengode, vide proceedings dated 20.07.2007 in Pa.Ma.No.1968/6-11/2007-2008, ordered to add the name of the petitioner's mother as joint pattadar in the Patta No.111 along with the other owners. Thereafter, the said Paavayee Ammal / mother of the petitioner had executed a registered settlement deed dated 29.08.2013 in favour of the petitioner and her sister, one R.Vijayakumari. Thereby, the petitioner made a representation dated 20.01.2014 before the Tahsildar, Thiruchengode to substitute the name of the petitioner and her sister in the place of her mother, the said Paavayee Ammal and issue patta in their favour. However, the Tahsildar, directed the petitioner to submit the same before the 2nd respondent. Therefore, the petitioner submitted a representation dated 06.02.2014 before the 2nd respondent. However, the said claim of the petitioner was rejected by the 2nd respondent, vide order dated 07.02.2014 in O.Mu.19/2014, without even calling the petitioner for an enquiry and without considering the proceedings of the Zonal Deputy Tahsildar, Thiruchengode dated 20.07.2007 in Pa.Ma.No.1968/6-11/2007-2008. Hence, challenging the same, the present Writ petition is filed.

3. Though the petitioner has filed this Writ petition challenging the rejection order of the 2nd respondent in O.Mu.19/2014 dated 07.02.2014, however, she restricted the relief sought for and prayed this Court for grant of permission to file an appeal before the concerned jurisdictional revenue official under Section 12 of the Tamilnadu Patta Passbook Act, as appeal remedy is available

4. Learned Special Government Pleader appearing on behalf of the respondents has no serious objection for the limited relief sought for by the petitioner.



5. Admittedly, the petitioner made a representation dated 06.02.2014 before the 2nd respondent for issuance of patta and the same was rejected by the 2nd respondent, vide order dated 07.02.2014. However, as against the rejection order, there is an appeal remedy available before the Appellate authority under Section 12 of the Tamilnadu Patta Passbook Act and without exhausting the said remedy, filing the present Writ petition, challenging the rejection is not sustainable.

6. However, in view of the fair stand of the learned counsel for the petitioner, this Court without interfering with the impugned order dated 07.02.2014 passed by the 2nd respondent in O.Mu.19/2014, grants permission to the petitioner to file an appeal before the competent Appellate authority within a period of four weeks from the date of receipt of a copy of this order. On receipt of such appeal, the Appellate authority is directed to consider the said appeal on merits and dispose of the same in accordance with law, without being influenced by any of the observations made by the 2nd respondent in the impugned order, as expeditiously as possible.

7. This Writ Petition is disposed of with the aforesaid direction. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

skt
To

1. The District Collector,
Namakkal District,
Namakkal.

2. The Special Tahsildar,
Town Survey Department,
Thiruchengode,
Namakkal District.

+1 CC to The Government Pleader sr 28155,27544.

W.P.No.31092 of 2014

SKM(CO)
SP(03/06/2022)