



WEB COPY



WP.No.27471 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

WP.No.27471 of 2022
and W.M.P.No.26689 of 2022

N.Kayalvizhi

.. Petitioner

Versus

1.The State of Tamil Nadu
Rep by its Secretary to Government
Revenue Department, Secretariat
Fort St.George
Chennai – 600 009

2.The District Collector
Office of the District Collector
Thiruvallur
Thiruvallur District

3.The Tahsildar
Avadi Taluk Office
Pattabiram, Chennai – 600 072

4.The Special Tahsildar
Avadi Town/Nilavari Thittam
Avadi Taluk Office
Pattabiram, Chennai – 600 072

5.The Taluk Surveyor
Avadi Taluk Office
Pattabiram, Chennai – 600 072

6.P.Sundararaj

<https://www.mhc.tn.gov.in/judis>



WP.No.27471 of 2022

7.C.Saravanamoorthy

8.The Tahsildar
Poonamallee Taluk Office
Poonamallee
Chennai – 600 0123

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records in pursuant to the impugned order issued by the 3rd respondent in Na.Ka.No.403/2021/A1 dated 11.08.2022 and quash the same and consequently directing the 3rd respondent to measure the land measuring an extent of 1308 sq.ft comprised in Old Survey No.426, New Survey No.7/2 bearing Patta No.786, situated at Block No.7, Ward-E, Modern City, 6th Cross Street, Thandari Village, Chennai – 72 and to provide in order to ensure that the petitioner is the absolute owner of the property.

For Petitioner : Mr.V.Jaishankar
For Respondents : Mr.U.Baranidaran for R1-R5 & R8
Additional Government Pleader

ORDER

This writ petition is filed seeking for challenging the order of the 3rd respondent in Na.Ka.No.403/2021/A1 dated 11.08.2022, quash the same and consequently direct the 3rd respondent to measure the land measuring an extent of 1308 sq.ft comprised in Old Survey No.426, New Survey No.7/2 bearing Patta No.786, situated at Block No.7, Ward-E, Modern City, 6th Cross Street, Thandari Village, Chennai – 72 and to provide in order to ensure that the



WP.No.27471 of 2022

petitioner is the absolute owner of the property.

WEB COPY

2. The case of the petitioner is that the petitioner is the owner of the property situated at Ward-E, Block No.7, Thandari Village, Avadi Taluk, Tiruvallur District having Old Survey No.426, New Survey No.7/2 bearing Patta No.786 for the area of 1308 sq.ft., While so, the grievance of the petitioner is that the third respondent has orally stated that the subject land belongs to the Government. Hence, on non action on the representation, the petitioner filed a writ petition in WP.No.27011 of 2021 and the same was disposed of on 17.12.2021 to pass appropriate orders. Pursuant to which, the impugned order. Challenging the same, this writ petition.

3. Heard learned counsel for the petitioner and the learned Additional Government Pleader appearing for the official respondents and perused the materials available on record.

4. The petitioner submitted an application with a request to measure the property, fix the boundaries of the land. Subsequent to which, this impugned order. This Court is of the view as against the order of the third respondent respondent, there is an effective remedy before jurisdictional Revenue



WP.No.27471 of 2022

Divisional Officer, without exhausting such remedy available under the Tamil Nadu Patta Passbook Act, 1983. The petitioner has come up with this writ petition which is not maintainable. However, liberty is granted to the petitioner to file an appeal, if any, before the jurisdictional Revenue Divisional Officer in terms of Section 12 of the Tamil Nadu Patta Passbook Act, 1983 within a period of four weeks from the date of receipt of a copy of this order and the jurisdictional Revenue Divisional Officer shall take up such appeal and pass appropriate order(s) on merits and in accordance with law by following due procedure of law as early as possible.

5. Accordingly, this writ petition stands dismissed with liberty. No costs. Consequently connected miscellaneous petition stands closed. Registry is directed to return the original papers to the petitioner enabling to file appeal, if any.

14.10.2022

dhk

Index: Yes/No

To

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Revenue Department, Secretariat
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WEB COPY



WP.No.27471 of 2022

M. DHANDAPANI, J.

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W.P.No.27471 of 2022

14.10.2022