



WEB COPY



W.P.No.27015 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 11.10.2022**

CORAM:

**THE HONOURABLE MR. JUSTICE M.DHANDAPANI**

**W.P.No.27015 of 2022**

O.Suganthi

... Petitioner

VS.

1.The District Collector,  
Sathuvachari,  
Vellore District.

2.The Revenue Divisional Officer,  
Collectorate, Sathuvachari,  
Vellore District.

3.The Tahsildar,  
Gudiyattam,  
Vellore District.

4.The Revenue Inspector,  
Vallathur Village,  
Gudiyattam Taluk.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for the records pertaining to the order passed by the 3<sup>rd</sup> respondent dated 16.08.2022 and quash the same.

For Petitioner : Mr.P.Govindarajan

For Respondents : Mr.U.Bharanidharan



W.P.No.27015 of 2022

Additional Government Pleader

**ORDER**

WEB COPY

This Writ Petition has been filed challenging the order passed by the 3<sup>rd</sup> respondent dated 16.08.2022 and quash the same.

2.The case of the petitioner is that the property in Survey No.11/2, measuring to an extent of 3 Acres 5 Cents was owned by one Maraveeran and said the Maraveeran died intestate leaving behind his two sons as his legal heirs. The two sons namely Chinnayan and Mahadevan, jointly acquired the said property and no partition was effected. Only during the year 1979 to 1986, the Revenue Department UDR correction was made and the property in the above said survey number was subdivided into 11/1B1 and 11/1B2. Late Mahadevan is petitioner's great grandfather, acquired his share of 1.35 Acre of the said property but no partition was executed between them. Subsequently, he applied for electricity connection during the year 1979 to 1980 in which it was clearly mentioned as S.No.11/1B2. The said Mahadevan died intestate leaving behind his two daughters namely Govindammal and Valliammal had equal rights over the property and joint patta vide Patta No.828 was issued by the 3<sup>rd</sup> respondent in favour of Govindammal and Valliammal. On 13.08.2020, the 3<sup>rd</sup> respondent issued separate patta vide



W.P.No.27015 of 2022

Patta No.1684 in favour of Govindammal in respect of the same property by creating new S.No.11/1B2B whereas, the original survey number is 11/1B2 and the same is being mentioned in all the revenue records.

3.The learned counsel for the petitioner further submits that the act of 3<sup>rd</sup> respondent in issuing separate patta for the S.No.11/1B2 and sub-dividing the same into S.Nos.11/1B2A and 11/1B2B on his own, is highly illegal. On gaining knowledge of the same, the petitioner's grandmother gave several representations to the 3<sup>rd</sup> respondent, objecting the sub-division of S.No.11/1B2, but the representations were not considered. Thereafter, the petitioner had filed a Writ Petition in W.P.No.9545 of 2022 before this Court and the same was disposed on 21.04.2022, directing the 3<sup>rd</sup> respondent therein to consider the Valliammal's representation dated 18.08.2020 on merits and in accordance with law, after affording an opportunity of personal hearing to the 5<sup>th</sup> respondent therein. On 16.08.2022, when the petitioner had sent a contempt notice to the 3<sup>rd</sup> respondent, he had enquired into the matter and had passed the impugned order on 20.08.2022, rejecting the grievance of the petitioner without any proper findings. Aggrieved against the order of the 3<sup>rd</sup> respondent, the petitioner had come before this Court with the present



W.P.No.27015 of 2022

Writ Petition.

WEB COPY

4.Heard Mr.P.Govindarajan, the learned counsel appearing for the petitioner and Mr.U.Bharanidharan, learned Additional Government Pleader appearing for the respondents and perused the materials available on record before this Court.

5.The learned counsel appearing for the petitioner would submit that the petitioner had made an application for transfer of patta in S.No.11/1B2. However, no order was passed. Thereafter, the petitioner filed a Writ Petition before this Court in W.P.No.9545 of 2022 and this Court vide order dated 21.04.2022 disposed of the same by issuing direction to the 3<sup>rd</sup> respondent therein consider the petitioner's representation and pursuant to which the present impugned order is passed on 16.08.2022. Challenging the same, the present Writ Petition has been filed.

6.The learned Additional Government Pleader appearing for the respondents submitted that the petitioner has not exhausted his effective remedy available before the Revenue Divisional Officer. If any such



W.P.No.27015 of 2022

application is filed, the same will be considered by the concerned authority.

WEB COPY

7.As against the order passed by the 3<sup>rd</sup> respondent, the petitioner has not exhausted the effective remedy available before the Revenue Divisional Officer. Hence, the prayer sought for in this Writ Petition cannot be granted and the petitioner is granted liberty to file appropriate application before the Revenue Divisional Officer within a period of four weeks from the date of receipt of the copy of this order. On receipt of such application, the Revenue Divisional Officer is directed to consider the same and pass appropriate order within a period of twelve weeks thereafter, after providing opportunity to the parties concerned.

8.Accordingly, this Writ Petition is dismissed. No costs.

**11.10.2022**

Index : Yes/No

Speaking Order : Yes/No

gba

To

1.The District Collector,  
Sathuvachari, Vellore District.

2.The Revenue Divisional Officer,  
Collectorate, Sathuvachari, Vellore District.



W.P.No.27015 of 2022

WEB COPY

3.The Tahsildar,  
Gudiyattam, Vellore District.

4.The Revenue Inspector,  
Vallathur Village,  
Gudiyattam Taluk.

**M.DHANDAPANI,J.**

*gba*

W.P. No.27015 of 2022



WEB COPY



W.P.No.27015 of 2022

11.10.2022