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WP.No.29257 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2022

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

WP.No.29257 of 2022

Balaji Babu

.. Petitioner

Versus

1.The District Collector
Krishnagiri District
Krishnagiri

2.The Tamil Nadu Housing Board
Rep by its Managing Director
CMDA Building, E&C Market Road
Koyambedu, Chennai – 600 107

3.The Revenue Divisional Officer
Krishnagiri District

4.The Tahsildar
Taluk Office
Hosur
Krishnagiri District

.. 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 of 4th Respondent issued in Na.Ka.No.4856 / 2020 /G1 dated 28.09.2022 and quash the same and consequently direct the 4th Respondent to issue patta to the Petitioner in respect of land measuring an extent of 4370 Square feet or 0.10 cents, comprised in Survey Nos.314 Part and 315 Part, situated in new ASTC



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HUDCO Phase -VIII, Hosur Taluk, Krishnagiri District within the time to be stipulated by this Honble Court.

For Petitioner : Mr.R.Bharath Kumar
For Respondents : Mr.U.Baranidaran
Additional Government Pleader

ORDER

This writ petition is filed seeking for challenging the records of 4th Respondent issued in Na.Ka.No.4856 / 2020 /G1 dated 28.09.2022, quash the same and consequently direct the 4th Respondent to issue patta to the Petitioner in respect of land measuring an extent of 4370 Square feet or 0.10 cents comprised in Survey Nos.314 Part and 315 Part, situated in new ASTC HUDCO Phase -VIII, Hosur Taluk, Krishnagiri District.

2. The case of the petitioner is that originally the land belonged to the Tamilnadu Housing Board to an extent of 4 grounds and 1530 square feet, which was purchased by M/s, S.Sathya & Co and further Mr.V.Vijay Kumar purchased an extent of 4370 square feet comprised in Survey Nos.314 part and 315 part under a registered sale deed. Subsequently, the petitioner purchased the said land from Mr.V.Vijay Kumar under a registered sale deed vide Doc.No.5158 of 2009 dated 31.06.2009. The petitioner made application for issuance of patta, which was rejected by the fourth respondent and hence, the



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impugned order. Challenging the same, this writ petition.

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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 for issuance of patta. Subsequent to which, this impugned order. This Court is of the view as against the order of the fourth respondent, there is an effective remedy before the third respondent, 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 third respondent in terms of Section 12 of the Tamil Nadu Patta Passbook Act, 1983 within a period of two weeks from the date of receipt of a copy of this order and the third respondent shall take up such appeal and pass appropriate order(s) on merits and in accordance with law by following due procedure of law within a period of twelve weeks from the date of receipt of a copy of this Order.



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5. Accordingly, this writ petition stands disposed of. No costs. Registry is directed to return the original papers to the petitioner enabling to file appeal, if any.

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M. DHANDAPANI, J.

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