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W.P.No.29607 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2022

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.29607 of 2022
and W.M.P.No.28986 of 2022

K.Kumaragurubaran

... Petitioner

Vs.

1.The Tahsildar,
Villuppuram Taluk,
Villuppuram District.

2.The District Collector,
Collectorate Office,
Villuppuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records on the file of the first respondent in his vide proceedings Ref No.2021/0105/07/344762 dated 14.08.2022 and Ref No.201/0105/07/194009 dated 17.08.2022 and quash the same and direct the respondents to issue patta in favour of the petitioner within the time limit fixed by this Court.

For Petitioner : Mr.V.Ashokkumar

For Respondents : Mr.U.Bharanidharan,
Additional Government Pleader



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ORDER

The petitioner has filed this petition seeking for issuance of Writ of Certiorarified Mandamus calling for the records on the file of the first respondent in his vide proceedings Ref No.2021/0105/07/344762 dated 14.08.2022 and Ref No.201/0105/07/194009 dated 17.08.2022 and quash the same and direct the respondents to issue patta in favour of the petitioner within the time limit fixed by this Court.

2. By consent of both the parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that the property comprised in Plot No.10, Old S.No.164/2, New S.No.164/2B7 to an extent of 4208.3/4, situated at Agaram Villlage, Koliyanur Panchayat was originally belonged to one Veerabathira Gounder and later the said property was purchased by the petitioner from R.Kulasekaran, who is the power agent of Veerabathira Gounder. This being so, the petitioner has applied for transfer of patta dated



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08.06.2019 by sub dividing the property before the first respondent, however, the said application was rejected by the first respondent without assigning any valid reason and passed an orders dated 14.08.2022 and 17.08.2022. Challenging the said orders, the petitioner has filed this writ petition.

4. Learned counsel for the petitioner would submit that the first respondent has rejected the petitioner's application on the ground that the mother document is not attached for considering the patta application, however, the Revenue Officials has to consider and reject the application only on prima facie ground, whether the petitioner is in possession of the property or not. In the present case on hand, the first respondent without verifying the same, rejected the petitioner's application is not sustainable one. Accordingly, he prayed for appropriate orders.

5. The learned Additional Government Pleader appearing for the respondents submitted that as against the impugned orders, there is an effective appeal remedy available to the petitioner before the Revenue Divisional Officer and without exhausting the appeal remedy, the petitioner



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has filed this writ petition, which is unsustainable one. Accordingly, he prayed for dismissing this writ petition.

6. Heard the learned counsel on either side and perused the materials placed on record.

7. As rightly pointed out by the learned Additional Government Pleader appearing for the respondents, there is effective appeal remedy available to the petitioner before the Jurisdictional Revenue Divisional Officer. Hence, this Court, without expressing any opinion on the merits of the case, permits the petitioner to file an appeal before the Jurisdictional Revenue Divisional Officer in terms of Section 12 of the Patta Pass Book Act, 1983, within a period of four weeks from the date of receipt of a copy of this order. If any such appeal is filed by the petitioner, the concerned jurisdictional Revenue Divisional Officer shall consider the said appeal, on merits and in accordance with law and dispose of the same as expeditiously as possible.



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8. With the aforesaid liberty, this Writ Petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

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Index : Yes/No

Speaking Order : Yes/No

To:

1.The Tahsildar,
Villuppuram Taluk,
Villuppuram District.

2.The District Collector,
Collectorate Office,
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