



WEB COPY



W.P.No.30683 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.11.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.30683 of 2022
and
W.M.P.nos.30121 and 30123 of 2022

K. Velusamy

... Petitioner

Vs.

1. The Tahsildar,
Coimbatore North Taluk,
Coimbatore.

2. R. Visaltchi

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari calling for the records of the first respondent by proceedings in Na.Ka.3119/2021/A1 dated 09.09.2022 and quash the same and pass orders.

For Petitioner : Mr.P. Saravana Sowmiyan

For Respondents : Mr.U. Bharanidharan
Additional Government Pleader

ORDER

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



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2. Since no adverse order is passed against the private respondent notice to private respondent dispensed with.

3. The case of the petitioner is that the second respondent who have no right over the subject property made application before the first respondent/Tahsildar for issuing a joint patta in her name and the same was considered and a Joint patta was issued in her name. Challenging the same, the petitioner has earlier filed a W.P.No10281 of 2021 and this Court by an order dated 16. 06.2022 directed the second respondent herein to conduct enquiry and pass orders. The grievance of the petitioner is the second respondent without conducting any enquiry has passed the impugned order. Hence this petition.

4.The petitioner has challenged the proceedings of the first Respondent/Tahsildar in this writ petition. On going through Section 12 of Tamil Nadu Patta Pass Book Act, 1983 it is made clear that there is a remedy available to the petitioner to file an appeal before the concerned authority and the relevant provision is extracted hereunder:



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Any person aggrieved by an order made by the Tahsildar under this Act may, within such period as may be prescribed appeal to such authority as may be prescribed and the decision of such authority on such appeal shall subject to the provisions of section 13, be final.

5. In view of above this Court is of the view there is a alternate available to the petitioner to file an appeal under Section 12 of Tamil Nadu Patta Pass Book Act, 1983. Accordingly this writ petition is dismissed with liberty to file an appeal Section 12 of Tamil Nadu Patta Pass Book Act, 1983. No costs. Consequently connected miscellaneous petitions are closed.

17.11.2022

Index: Yes/ No

Internet: Yes/No

smn

To

The Tahsildar,
Coimbatore North Taluk,
Coimbatore.



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M.DHANDAPANI,J.

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