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W.P.No.31632 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2022

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.31632 of 2022

V.Paul Daniel

. . . Petitioner

Vs.

The Tahsildar,
Aminjikarai Taluk Office,
Gajalakshmi Colony,
1st Street, Shenoy Nagar,
Chennai-600 030.

. . . Respondent

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus or any other writ, order or direction calling for the records of the Respondent in proceedings having Ref.No.Se.Nu.Order No.A2/2219/2022 dated 11.11.2022 and quash the same and direct the Respondent to issue patta in the name of the Petitioner for the property comprising of the land measuring an extent of 880 sq.ft situated at Chennai District, Aminjikarai Taluk, Villivakkam Village with a building with Plot No.EWS 2006, First Cross Street, Vasantham Colony, Anna Nagar West, Chennai-600 040 comprised in R.S.No.55/1 Part, of



W.P.No.31632 of 2022

which the Petitioner is the owner by virtue of the Sale Deed dated 17.06.2021 by registered document No.3664/2021 in the office of the Sub-Register, Villivakkam based on the application of the Petitioner dated 02.06.2022 made to the Respondent.

For Petitioner : Mrs. Nalini Chidambaram, Standing Counsel
for C.Uma

For Respondent : Mr.U.Baranidharan,
Additional Government Pleader.

ORDER

The present petition has been filed seeking to quash the impugned order dated 11.11.2022 passed by the Respondent and to direct the 2nd Respondent to issue patta in the petitioner's name in respect of the subject property based on the petitioner's representation dated 02.06.2022 seeking issuance of patta.

2. Mr. U.Baranidharan, learned Additional Government Pleader takes notice for the respondent.



W.P.No.31632 of 2022

3. It is the case of the petitioner that initially the subject property was allotted by Tamil Nadu Housing Board he is the owner of the subject property to one Dhanapal who was a bachelor vide the sale deed dated 22.04.1999. After the demise of said property, the petitioner had purchased the above said property vide the sale deed dated 17.06.2021 which was executed by the sisters of said Dhanapal. While being so, the petitioner made an application dated 02.06.2022 before the respondent seeking issuance of Patta in favour of the the petitionr, in respect of the above said property, however, the said application was rejected vide the present impugned order, insisting the petitioner to obtain 'No Objection Certificate' from the legal heirs of Late Vatchala & Hemavathy, who are the other two sisters of said deceased Dhanapal. Challenging the said order, the present petition has been filed.

4. Learned counsel for the petitioner submits that though this Writ Petition has been filed seeking the larger relief, the effective remedy for the petitioner being available before the Revenue Divisional Officer, he may be permitted to file an appeal before the Revenue Divisional Officer as against



W.P.No.31632 of 2022

the order impugned in this Writ Petition.

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5. On the above contentions, this Court, heard the learned Additional Government Pleader appearing for the Respondent and perused the materials available on record.

6. In view of the fair stand taken by the learned counsel for the petitioner as to the remedy available before the Revenue Divisional Officer, this Court without interfering with the order impugned in this petition, permits the petitioner to file an appeal before the Jurisdictional Revenue Divisional Officer under Section 12 of the Patta Pass Book Act, within a period of two weeks from the date of receipt of a copy of this order. If any such appeal is filed, the Jurisdictional Revenue Divisional Officer is directed to pass appropriate orders on the same in accordance with law, after affording an opportunity of personal hearing to the petitioner as well as the aggrieved persons, if any, within a period of twelve weeks thereafter.



W.P.No.31632 of 2022

7. Accordingly, this Writ Petition is disposed of with the aforesaid

direction. No costs.

25.11.2022

NHS

Index : Yes / No

Internet : Yes / No

To

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W.P.No.31632 of 2022

M.DHANDAPANI, J.

NHS

W.P.No.31632 of 2022

25.11.2022