



W.P.No.3272 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.3272 of 2017

And

W.M.P.No.3232 of 2017

Manguthai

... Petitioner

Vs.

1.The District Collector,
Salem District,
At Salem.

2.The Sub Collector,
Mettur Taluk,
Salem District.

3.The Tahsildar,
Mettur Taluk,
Salem District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relevant to the order in Na.Ka.6489/2016-P5 dated 02.11.2016 passed by the third respondent and quash the same as illegal, improper, unreasonable, arbitrary and against the principles of natural justice



W.P.No.3272 of 2017

and thereby direct the third respondent to issue patta in the name of petitioner in respect of the property situated in Survey No.79/2, Arankanur Village, Mettur Taluk, Salem District, totally to an extent of 25 cents out of 0.88.0 Hectares.

For Petitioner : Mr.A.Rajesh Kanna
For Respondent : Mr.U.Baranidharan for R1 to R3
Additional Government Pleader

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus, to call for the records relevant to the order in Na.Ka.6489/2016-P5 dated 02.11.2016 passed by the third respondent and quash the same as illegal, improper, unreasonable, arbitrary and against the principles of natural justice and thereby direct the third respondent to issue patta in the name of petitioner in respect of the property situated in Survey No.79/2, Arankanur Village, Mettur Taluk, Salem District, totally to an extent of 25 cents out of 0.88.0 Hectares.

2.The learned counsel appearing for the petitioner submitted that the petitioner made application for mutation of revenue records



W.P.No.3272 of 2017

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and since no order was passed, filed W.P.No.29574 of 2016 before this Court and pursuant to the order of this Court dated 24.08.2016 made in the said writ petition, the impugned order was passed by the third respondent. The learned counsel further submitted that as against the impugned order, there is effective appeal remedy available to the petitioner in terms of Section 12 of the Act, before the Revenue Divisional Officer. Hence, this Court, without going into the merits of the case, may grant liberty to the petitioner to exhaust the appeal remedy and issue direction to the concerned Revenue Divisional Officer to consider the same and pass appropriate orders within a reasonable time frame.

3.Considering the limited request now made by the learned counsel appearing for the petitioner, this Court, without expressing any opinion on the merits of the case, permits the petitioner to file appeal as against the impugned order, in terms of Section 12 of the Act, before the Revenue Divisional Officer, within a period of two weeks from the date of receipt of a copy of this order. If any such appeal is filed by the petitioner, the concerned Revenue Divisional Officer shall



W.P.No.3272 of 2017

consider the same and pass appropriate orders, on merits and in accordance with law and after providing opportunity to the necessary parties, within a period of twelve weeks thereafter.

4.With the above observations, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

14.11.2022

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

- 1.The District Collector,
Salem District,
At Salem.
- 2.The Sub Collector,
Mettur Taluk,
Salem District.
- 3.The Tahsildar,
Mettur Taluk,
Salem District.

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W.P.No.3272 of 2017

M.DHANDAPANI,J.
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W.P.No.3272 of 2017
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W.M.P.No.3232 of 2017

14.11.2022