



W.P.No.33235 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2022

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.33235 of 2017

and

WMP.No.36646 of 2017

R.Vijayalakshmi

...Petitioner

Vs.

1. The District Collector,
Chennai District, Chennai.

2. The Tahsildar,
Aminjikarai Taluk, Aminjikarai,
Chennai.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the 2nd respondent in her proceedings No.A2/977/2017, dated 06.03.2017 and quash the same and consequently directing the respondents to change over the patta in the petitioner's name in respect of house site situated in Old S.No.56, T.S.No.95, Block No.3, Chencherry Village, Aminjikarai Taluk, Chennai District.

For Petitioner : Mr.C.Prakasam

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



W.P.No.33235 of 2017

WEB COPY

ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in respect of the proceedings bearing No.A2/977/2017, dated 06.03.2017, quash the same and to consequently, direct the respondents to change the patta in respect of the subject land to the petitioner's name.

2. The case of the petitioner is that she has approached the 2nd respondent for issuance of patta in her favour in respect of the house site comprised in Old S.No.56, T.S.No.95, Block No.3, Chencherry Village, Aminjikarai Taluk, Chennai District, to an extent of 2400 sq. ft., which was purchased by her from one Ranjithkumar, vide registered Sale Deed Doc.No.6043 of 2011 dated 31.10.2011, however, the same was refused by the 2nd respondent. Aggrieved by the same, the petitioner filed a suit in O.S.No.2198 of 2013 on the file of the X Assistant City Civil Court, Chennai and an ex-parte decree dated 30.10.2013 came to be passed in favour of the petitioner, directing the respondents to change the patta to the



W.P.No.33235 of 2017

petitioner's name. Pursuant to the said decree, the petitioner approached the

respondents for issuance of patta in her favour, however, the same was not

considered by the respondents. Aggrieved by the inaction on the part of the respondents, the petitioner filed a Writ petition before this Court in W.P.No.41073 of 2016 and this Court, vide order dated 23.11.2016, directed the 4th respondent therein to consider the petitioner's representation and pass appropriate orders. In compliance of the above said order, the 2nd respondent has passed the present impugned order, vide proceedings bearing No.A2/977/2017 dated 06.03.2017, rejecting the petitioner's claim. Challenging the same, the present Writ petition is filed.

3. Heard learned counsel on either side and perused the materials available on record.

4. Though very many grounds have been raised by the learned counsel on either side at the time of arguments, however, when this Court expressed its opinion that, as against the order passed by the Tahsildar, there is an effective appeal remedy available before the Appellate authority / Revenue



W.P.No.33235 of 2017

Divisional Officer, in terms of Section 12 of the Tamil Nadu Patta Passbook Act, 1983, and without exhausting the said appeal remedy, straight away approaching this Court by way of filing this Writ petition,

challenging the order passed by the Tahsildar is not sustainable, the learned counsel for the petitioner fairly restricted the prayer and sought permission of this Court, to file appropriate Appeal before the Appellate authority / Jurisdictional Revenue Divisional Officer, as against the order dated 06.03.2017 passed by the Tahsildar. Further, the learned counsel appearing for the respondents have not expressed any serious objection for the limited relief sought for by the petitioner.

5. In view of the aforesaid stand taken by the learned counsel for the petitioner, this Court, without interfering with the order under challenge, grants permission to the petitioner to file appropriate appeal before the jurisdictional Revenue Divisional Officer / Appellate authority within a period of four weeks from the date of receipt of a copy of this order. On receipt of such appeal, the jurisdictional Revenue Divisional Officer shall consider the same and pass appropriate orders on merits and in accordance



W.P.No.33235 of 2017

with law within a period of eight weeks thereafter, after affording an opportunity of personal hearing to the petitioner and the aggrieved persons, if any.

6. Accordingly, this Writ petition is disposed of. No costs.
Consequently, connected Miscellaneous petition is closed.

04.11.2022
(1/2)

skt

Speaking Order : Yes/ No
Index : Yes/ No

To

1. The District Collector,
Chennai District, Chennai.
2. The Tahsildar,
Aminjikarai Taluk, Aminjikarai,

5/7



Chennai.

WEB COPY



W.P.No.33235 of 2017

M.DHANDAPANI, J.

skt

W.P.No.33235 of 2017
and
WMP.No.36646 of 2017
(1/2)



WEB COPY



W.P.No.33235 of 2017

04.11.2022