



W.P.No.31817 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.31817 of 2022 and

W.M.P.No.31279 of 2022

Adityan

...Petitioner

vs.

1. The District Revenue Officer,
O/o.The collectorate,
Cuddalore – Post & District.

2. The Tahsildar,
Cuddalore Taluk Office,
Cuddalore – Post & District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the proceedings made in Na.Ka.AA1/1707/2022 (S.L.B1/1707/2022) dated 10.11.2022 on the file of the second respondent / Tahsildar, Cuddalore and quash the same and further direct the first respondent / District Revenue Officer, Cuddalore to conduct enquiry relating to patta in Grama Natham New Survey No.325 (Old Survey No.5) to an extent of 1590 Sq.Ft. at Sankolikuppam Village, Sedapalayam – Revenue Village, Cuddalore – District.



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For Petitioner : Mr.D.Veerasekharan

For Respondents : Mr.U.Bharanidharan
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus to quash the proceedings made in Na.Ka.AA1/1707/2022 (S.L.B1/1707/2022) dated 10.11.2022 on the file of the second respondent / Tahsildar, Cuddalore and further direct the first respondent / District Revenue Officer, Cuddalore to conduct enquiry relating to patta in Grama Natham New Survey No.325 (Old Survey No.5) to an extent of 1590 Sq.Ft. at Sankolikuppam Village, Sedapalayam – Revenue Village, Cuddalore – District.

2. The case of the petitioner is that petitioner's father executed a registered Will dated 23.05.1992 in respect of the above said property in favour of the petitioner and his brother. After his demise, petitioner and his brother are in possession and in enjoyment of the above said property. In order to grab the above said land, one Ramalingam obtained UDR patta in



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his favour. While so, the petitioner made a petition dated 30.11.2021 before the second respondent seeking to make correction in the patta issued under UDR Scheme, but the same was not considered. Hence the petitioner filed a writ petition in W.P.No.4474 of 2022. This Court vide order dated 01.03.2022 directed the third respondent therein to consider the petitioner's representation dated 30.11.2021 and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order. Pursuant to which the second respondent issued summons dated 29.07.2022 and 16.08.2022, based on which the petitioner appeared for enquiry and after concluding the said enquiry, the second respondent refused to issue patta in favour of the petitioner and his brother vide impugned order dated 10.11.2022 on the ground that the patta in respect of the above said property was issued in the name of One Ramalingam under the UDR Scheme. Challenging the same the present writ petition has been filed.

3. Learned counsel for the petitioner fairly conceded that as against the order passed by the second respondent, there is an effective appeal remedy available before the Appellate authority / Revenue Divisional Officer



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under Section 12 of Tamil Nadu Patta Passbook Act, 1984. Hence, he restricted his prayer and sought permission of this Court to file an appeal before the Appellate Authority / Revenue Divisional Officer.

4. Heard the arguments advanced on either side and perused the materials available on record.

5. In view of the fair 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 Appellate authority / Revenue Divisional Officer concerned within a period of two weeks from the date of receipt of a copy of this order. On receipt of such appeal petition, the concerned Revenue Divisional Officer is directed to consider the same on merits and dispose of the said appeal in accordance with law within a period of six weeks thereafter.



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6. This Writ Petition is accordingly disposed of. No costs.

Consequently, connected Miscellaneous petition is closed.

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RAP

Index : Yes/No

Speaking order : Yes/No

To

1. The District Revenue Officer,
O/o.The collectorate,
Cuddalore – Post & District.
2. The Tahsildar,
Cuddalore Taluk Office,
Cuddalore – Post & District.

M.DHANDAPANI, J.



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