



W.P.No.3971 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2022

CORAM:

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

W.P.No.3971 of 2017

A.Ramesh

...Petitioner

Vs.

1. The District Collector,  
Coimbatore District,  
Coimbatore - 641 001.

2. The Sub Collector,  
Pollachi.

3. The Zonal Deputy Thasildar (Incharge),  
O/o Pollachi Thasildar,  
Pollachi, Coimbatore District.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the proceeding in reference Ni.Mu.No.5518/2016/AA5 dated 28.07.2017 on the file of the 3rd respondent and quash the same consequently direct the respondents to issue Patta in favour of the petitioner by transfer the name of the original vendor of the petitioner.

For Petitioner : Mr.S.Manoharan

For Respondents : Mr.Yogesh Kannadasan, Spl.GP.



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### **ORDER**

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned proceedings of the 3rd respondent dated 28.07.2016 in reference Ni.Mu.No.5518/2016/AA5, quash the same and consequently direct the respondents to issue Patta in favour of the petitioner.

2. The case of the petitioner is that, he purchased the property comprised in SF.No.100/9, measuring an extent of 1.01 acres situated at Chinnampalayam Village, Pollachi Taluk, Coimbatore District from one Karthikeyan, S/o. Kumarasamy Pillai, vide, registered sale deed Doc.No.7060 of 2014 dated 18.09.2014. Pursuant to the said purchase, the petitioner made an application before the 3rd respondent for transfer of patta in his favour, however, no proceedings have been initiated. Therefore, the petitioner sent a lawyer's notice dated 13.12.2014 to the respondents and on receipt of the said notice, the 2nd respondent, vide, proceedings in Oo.Mu.3500/14/B1 dated 31.12.2014, directed the 3rd respondent to



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consider the petitioner's claim, however, the same was not complied with by the 3rd respondent. Aggrieved by the same, the petitioner filed a Writ petition in W.P.No.8549 of 2016 and this Court, vide, order dated 08.03.2016, directed the 3rd respondent to consider the petitioner's representation and pass orders within a period of six weeks. In compliance of the order of this Court, the 3rd respondent has passed the present impugned order dated 28.07.2016 in reference Ni.Mu.No.5518/2016/AA5, rejecting the petitioner's application for transfer of patta in his favour. Challenging the same, the present Writ petition is filed.

3. Learned counsel appearing for the petitioner submitted that the petitioner has purchased the said property for a valid sale consideration, after verifying all the documents and after a careful perusal of the registered release deed Doc.No.6835 of 2014 dated 11.09.2014 executed by other legal heirs of the said Kumarasamy Pillai in favour of the petitioner's vendor. However, without considering any of the above said facts, the 3rd respondent has mechanically rejected the petitioner's application for transfer of patta, which is not sustainable. Hence, he prayed for allowing the present Writ petition.



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4. Learned Special Government Pleader appearing on behalf of the respondents submitted that, as against the order dated 27.08.2016 passed by the 3rd respondent, there is an effective Appeal remedy available before the Appellate Authority / Revenue Divisional Officer, however, without availing the said appeal remedy, filing the present writ petition is not sustainable. Accordingly, he prayed for dismissal of the present Writ petition.

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

6. Facts in the present case are not in dispute. Admittedly, the petitioner's application for transfer of patta in his favour in respect of the subject property was rejected by the 3rd respondent, vide order dated 28.07.2016 in reference Ni.Mu.No.5518/2016/AA5. However, it is pertinent to note that, as against the order passed by the 3rd respondent / Tahsildar, there is an effective Appeal remedy available before the Appellate Authority / Revenue Divisional Office, as per Section 12 of the Tamil Nadu Patta



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Passbook Act 1983. Whiles, without exhausting the said remedy, the present Writ petition has been filed, which is not sustainable. Hence, this Court, without interfering with the order under challenge, grants permission

to the petitioner to file appropriate appeal before the Appellate Authority / jurisdictional Revenue Divisional Officer within a period of four weeks from the date of receipt of a copy of this order. On receipt of such appeal, the concerned jurisdictional Revenue Divisional Officer shall consider the same on merits and pass appropriate orders in accordance with law within a period of eight weeks thereafter.

7. This Writ Petition is accordingly dismissed with above liberty. No costs.

**16.06.2022**

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Speaking Order : Yes/ No  
Index : Yes/ No

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**M.DHANDAPANI,J.**

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