



W.P.No.33661 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.33661 of 2022

R.Kandan

... Petitioner

Vs

1.The District Collector,
Thiruvallur District,
Thiruvallur.

2.The District Revenue Officer,
Thiruvallur,
Thiruvallur District.

3.The Revenue Divisional Officer,
Thiruvallur, Thiruvallur District.

4.The Special Tahsildar,
Town Survey Field,
Avadi, Chennai – 600 054.

5.S.Gunasekaran

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 2nd respondent to consider the petitioner's representation dated 08.04.2022 seeking for conduct an enquiry into the Patta No.2108/15 dated 22.09.2015 issued in the name of the 5th respondent in respect of the 5th respondent property comprised in Survey No.1/1, situated Paleripattu Village, Avadi Taluk and Thiruvallur District and disposed the same.



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For Petitioner : Mr.M.Silambarasan

For Respondents : Mr.Yogesh Kannadasan
Spl. Govt. Pleader for R1 to R4

ORDER

The prayer sought for herein is for a writ of mandamus directing the 2nd respondent to consider the petitioner's representation dated 08.04.2022 seeking for conduct an enquiry into the Patta No.2108/15 dated 22.09.2015 issued in the name of the 5th respondent in respect of the 5th respondent's property comprised in Survey No.1/1, situated Paleripattu Village, Avadi Taluk and Thiruvallur District and dispose the same.

2. In respect of a land at Survey No.1/1 situated at Paleripattu Village, Avadi Taluk, it is a claim of the petitioner that the petitioner had been in possession and enjoyment of the property to an extent of 3282 sq.ft. at the said survey number even though it has been categorised as 'meikkal poramboke' and accordingly he sought for patta from the Revenue authorities viz., Tahsildar concerned.

2. His application having been considered was rejected by the order of the Tahsildar dated 29.06.2021.



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3. As against the said order passed by the Tahsildar, the petitioner preferred appeal before the 3rd respondent on 17.07.2021 which was acknowledged by the 2nd respondent on 20.07.2021, however the same since was not considered and decided on merits and it was kept pending for long period, the petitioner had approached this Court by filing writ petition in W.P.No.20253 of 2021.

4. The said writ petition was disposed by a learned Judge of this Court dated 29.11.2021, where, he has passed the following order:

“3.Considering the above, the 2nd respondent is directed to dispose the appeal filed by the petitioner, after issuance of notice to the petitioner and counter parties, if any and after giving opportunity of hearing to them, pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.”

5. Pursuant to the said order passed by this Court, according to the petitioner, the 3rd respondent/Revenue Divisional Officer so far has not considered the said appeal filed by the petitioner and no disposal has been made.



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6. In the meanwhile, it is the further case of the petitioner that, the 5th respondent had also applied for patta in some part of the land in the very same survey number i.e. S.No.1/1 to the extent of 0.02 ares and that was considered and patta was granted by the revenue authorities and therefore, taking it as a ground in favour of the petitioner as the very same survey number since has been considered to be a land capable of being issued patta to the person who have been in possession and occupation, why not the same treatment be given to the petitioner in respect of his application.

7. Therefore taking that ground in his favour, the petitioner, instead of pursuing the appeal which is pending before the 3rd respondent/Revenue Divisional Officer, had once again made a request to the official respondents herein from District Collector to Revenue Divisional Officer as well as District Revenue Officer to disclose on what basis patta has been given to the 5th respondent in respect of the same survey number as it has been categorised already as a meikkal poramboke and in that case as to how he was able to get patta that the petitioner wanted to be revealed that is why the representation given by the petitioner dated 08.04.2022 is sought to be



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considered and decided, that is how the present writ petition has been filed with the aforestated prayer for mandamus.

8. Heard Mr.M.Silambarasan, learned counsel appearing for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader for the respondents 1 to 4.

9. On perusal of these factual matrix projected by the petitioner side, this Court feels that the petitioner instead of knocking the proper door to get the remedy to redress his grievance, for which he has already got an order from this Court which is an arm in his hand to pursue his appeal pending before the 3rd respondent/Revenue Divisional Officer, is unnecessarily taking a circuitous route asking some prayers with regard to the nature of patta given to the 5th respondent which would be no way beneficial to the petitioner and moreover the petitioner may not have any grievance with regard to the patta granted to the 5th respondent, because, even though it is a same survey number i.e. S.No.1/1 the land which is in occupation of the petitioner is something different from the occupation and issuance of patta in favour of the 5th respondent.



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10. In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders:

(i) That it is open to the petitioner to pursue the appeal dated 17.07.2021 filed against the order passed by the Tahsildar dated 29.06.2021 pending before the 3rd respondent to whom already a direction has been given by way of mandamus by this Court in the earlier round of litigation dated 29.11.2021 and in this regard the petitioner can make a reminder request to the 3rd respondent along with the copy of this order to decide the appeal which is pending before him filed by the petitioner as stated supra at the earliest on merits.

(ii) Once such a reminder application is given to dispose the appeal filed by the petitioner along with the copy of this order, the 3rd respondent shall take up the appeal on priority basis and decide the same on merits and in accordance with law within a period of four weeks thereafter.



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11. With this direction, this Writ Petition is disposed of. No costs.

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Index : Yes/No

Speaking Order : Yes/No

Sgl

To

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R.SURESH KUMAR, J.

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