



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2022

CORAM:

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.3463 of 2022

and

W.M.P.[MD]No.3039 of 2022

Vallyammal @ Vallyammal

... Petitioner

/Vs./

1.The Revenue Divisional Officer,
Iluppur,
Pudukkottai District.

2.The Zonal Deputy Tahsildar,
Kulathur & Taluk,
Pudukkottai District.

3.Lakkyyan

4.Amsa

5.Arjunan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records relating to the patta transfer order of 2nd Respondent for subjected property in his proceedings in TR2021/0103/22/161163TR dated 18.10.2021 and quash the same and directing the 2nd Respondent to restore the status quo ante.

For Petitioner

: Mr.N.Balakrishnan

For R1 & R2

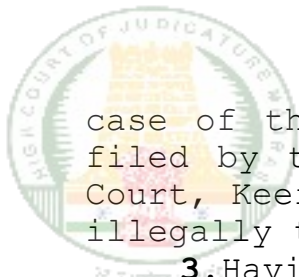
: Mr.M.Lingadurai

Special Government Pleader

ORDER

This writ petition has been filed challenging the order dated 18.10.2021 passed by the second respondent, under which, patta has been transferred in the name of the fifth respondent. The petitioner claims that the property involved in the impugned order absolutely belongs to him. However, fraudulently, the fifth respondent has obtained patta in his name under the impugned order passed by the second respondent.

2.It is the admitted case of the petitioner that she has already filed a statutory appeal before the first respondent aggrieved by the impugned order dated 18.10.2021. It is also the



case of the petitioner that a civil suit for declaration has been filed by the petitioner, which is pending on the file of the Sub Court, Keeranur and despite the said pendency, the second respondent illegally transferred the patta in favour of the fifth respondent.

3. Having already filed the statutory appeal under the Tamil Nadu Patta Passbook Act, 1983, before the first respondent, aggrieved by the impugned order dated 18.10.2021, the only remedy now available to the petitioner is for getting adjudication of her rights in the appeal. The only relief that can be granted by this Court to the petitioner is to give a direction to the first respondent to dispose of the appeal filed by the petitioner, aggrieved by the impugned order dated 18.10.2021 within a time frame to be fixed by this Court.

4. Accordingly, this Court directs the first respondent to dispose of the appeal filed by the petitioner aggrieved by the order dated 18.10.2021, which is impugned in this writ petition and pass final orders after affording a fair hearing to the petitioner and other rival claimants, including the respondents 3 to 5, within a period of three (3) months from the date of receipt of a copy of this order.

5. With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

28/02/2022

Sub Assistant Registrar (CS)

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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Revenue Divisional Officer,
Iluppur,
Pudukkottai District.

2. The Zonal Deputy Tahsildar,
Kulathur & Taluk,
Pudukkottai District.

+1 CC to M/s.SPL GP (SR-8984[F] dated 28/02/2022)

W.P. [MD]No.3463 of 2022

24.02.2022