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W.P.No.895 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.895 of 2023

and

W.M.P.No.872 of 2023

1.Karuppan  
2.M.Natarajan  
3.Dhanalakshmi

... Petitioners

Vs

1.The Tahsildar,  
Sendurai Taluk,  
Sendurai & Post  
Ariyalur District.

2.A.Velayutham

3.S.Jayabal

... Respondents

**Prayer :** Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the orders of the first respondent in Na.Ka.A2/2354/2021 dated 16.05.2022 and quash the same consequently direct the first respondent to grant Patta in respect of the lands in SF.No.145/4 measuring an extent of 0.50.0 Ares and SF.No.145/6 measuring an extent of 0.25.0 Ares of Namangunam Village, Sendurai Taluk, Ariyalur District.



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W.P.No.895 of 2023

For Petitioners : Mr.S.Kamadevan

For Respondents : Mr.P.Sathish  
Addl. Government Pleader for R1

### **ORDER**

The prayer sought for herein is for a Writ of Certiorarified Mandamus calling for the records pertaining to the orders of the first respondent in Na.Ka.A2/2354/2021 dated 16.05.2022 and quash the same consequently direct the first respondent to grant Patta in respect of the lands in SF.No.145/4 measuring an extent of 0.50.0 Ares and SF.No.145/6 measuring an extent of 0.25.0 Ares of Namangunam Village, Sendurai Taluk, Ariyalur District.

2. The petitioners sought for patta in respect of the Village Survey No.145/4, 145/6, the said plea was rejected through the impugned order dated 16.05.2022 passed by the 1<sup>st</sup> respondent, as against which, even though appeal provision is available and appeal can be filed before the concerned Revenue Divisional Officer, this writ petition has been filed.

3. The learned counsel appearing for the petitioners would submit that, the Tahsildar without even verifying the Civil Court decree which is in



W.P.No.895 of 2023

favour of the petitioners has passed the impugned order, therefore without exhausting the appeal remedy the petitioners have moved the present writ petition straight away before this Court.

4. Be that as it may, the said grounds which are available to the petitioners based on the Civil Court decree can very well be placed before the Revenue Divisional Officer by filing appeal by the petitioners under Section 12 of the Patta Passbook Act against the order passed by the Tahsildar dated 16.05.2022 and if any such appeal is filed that can be considered by the Revenue Divisional Officer concerned.

5. Having regard to the said facts of the case and after hearing the learned Additional Government Pleader appearing for the official respondents i.e. the 1<sup>st</sup> respondent Tahsildar in this regard, having dispensed with the notice to be given to the 2<sup>nd</sup> and 3<sup>rd</sup> respondents, in view of the order going to be passed in this writ petition, this Court is inclined to dispose of this writ petition with the following orders:

(i) It is open to the petitioners to prefer appeal against the order impugned dated 16.05.2022 passed by the 1<sup>st</sup>



W.P.No.895 of 2023

WEB COPY

respondent before the Revenue Divisional Officer, Udayarpalayam, Ariyalur District at the earliest.

(ii) On receipt of such appeal to be filed by the petitioners, the Revenue Divisional Officer, Udayarpalayam, Ariyalur District to entertain such appeal and decide the same on merits and in accordance with law after giving an opportunity of being heard to both the petitioners as well as the private respondents. While considering the said appeal, a defence to be taken or the grounds to be urged by the petitioners by taking support of the Civil Court decree already been issued in this regard shall also be borne in mind and accordingly a decision can be taken. The needful as indicated above shall be undertaken by the Revenue Divisional Officer as indicated above and final orders shall be passed within a period of eight weeks from the date of receipt of a copy of such appeal from the petitioners.

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

Consequently, connected miscellaneous petition is closed.



W.P.No.895 of 2023

WEB COPY

7. The Registry is directed to mark the copy of this order to the Revenue Divisional Officer, Udayarpalayam, Ariyalur District. The Registry is also directed to return the original impugned order to the petitioners, after retaining the photocopy, with acknowledgment.

11.01.2023

Index : Yes/No

Speaking Order : Yes/No

Sgl

To

1.The Tahsildar,  
Sendurai Taluk,  
Sendurai & Post  
Ariyalur District.

2.The Revenue Divisional Officer,  
Udayarpalayam,  
Ariyalur District.



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W.P.No.895 of 2023

R.SURESH KUMAR, J.

Sgl

W.P.No.895 of 2023

11.01.2023