



WEB COPY



W.P.No.3143 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 07.02.2023**

**CORAM :**

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR**

**Writ Petition No.3143 of 2023**

1.A.V.Maragatham Vadivel

2.S.P.Praveen Kumar

.... Petitioner

-Vs-

1.The Tahsildar  
Coonoor Taluk Office  
The Nilgiris District.

2.K.R.Simon

3.Agastin

4.Grazy

5.Prasanna

6.Thomas

7.Johnson

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to conduct an enquiry on the basis of the petitioners representation dated 13.12.2022 after affording sufficient opportunities to the concerned parties consequently direct the 1st respondent to cancel the patta issued in the names of respondents 2 to 7 in respect of property in Coonoor Village Nilgiri District Comprised in Old Survey



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No. 714 / 2 Block No. 11 Survey field No. 39/2 total measuring an extent of 14.5 cents.

For Petitioner : Mr.B.Manimaran

For Respondents : Mr.P.Sathish  
Additional Government Pleader – for R1

### **ORDER**

The prayer sought for herein is for a Writ of Mandamus directing the 1st respondent to conduct an enquiry on the basis of the petitioners representation dated 13.12.2022 after affording sufficient opportunities to the concerned parties consequently direct the 1st respondent to cancel the patta issued in the names of respondents 2 to 7 in respect of property in Coonoor Village Nilgiri District Comprised in Old Survey No. 714 / 2 Block No. 11 Survey field No. 39/2 total measuring an extent of 14.5 cents.

2. Even though the above prayer has been sought for, the fact to be noted is that, the 2<sup>nd</sup> respondent already approached this Court by filing a writ petition in W.P.No.9492 of 2022, where he sought for a direction from this Court to the Tahsildar, who stood as 1<sup>st</sup> respondent in the said writ petition to survey the land in question for issuance of subdivision patta. A direction to that effect was issued on 18.04.2022 by this Court. It seems that pursuant to the said order the Tahsildar has acted upon and seems to have issued a patta in favour of the private respondents including the 2<sup>nd</sup> respondent herein. When that being so, if



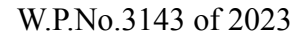
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at all the petitioners are aggrieved over the issuance of patta in favour of the private respondents, then the remedy open to the petitioners is to file an appeal before the Revenue Divisional Officer under Section 12 of the Patta Passbook Act. However, once again since the petitioners have given a representation on 13.12.2022 to the very same Tahsildar, who is the 1<sup>st</sup> respondent and seeking a direction to consider the said representation, it may not be justifiable.

3. Hence, this Court feels that while dismissing the writ petition, liberty is given to the petitioners to file an appeal before the Revenue Divisional Officer against the issuance of patta by the Tahsildar concerned ie., the 1<sup>st</sup> respondent against the interest of the petitioners, if the petitioners are so aggrieved.

4. In that view of the matter, this Court is inclined to dismiss this writ petition with the following order.

- Petitioners are at liberty to file an appeal before the Revenue Divisional Officer against the order of issuance of patta made by the 1<sup>st</sup> respondent Tahsildar in favour of the private respondents and against the interest of the petitioner within a period of two weeks from the date of receipt of this order.



KST

- On receipt of such appeal from the petitioners, the Revenue Divisional Officer concerned shall look into the matter and after giving an opportunity of being heard to both the petitioners as well as the private respondents, decide the said appeal on merits and in accordance with law within eight weeks thereafter.

5. With the above directions, this writ petition is dismissed. No costs.

**07.02.2023**

Index : Yes/No  
Neutral Citation : Yes/No  
Speaking Order / Non-speaking order  
KST  
To

The Tahsildar  
Coonoor Taluk Office  
The Nilgiris District.

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