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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.18524 of 2023
and
W.M.P.No.17759 of 2023

P.Marimuthu (Senior Citizen 75 years)

... Petitioner

vs.

1.The District Revenue Officer of Thiruvallur
Thiruvallur

2.The Thasildar
Poonamallee Taluk Office
Poonamallee, Chennai 600 056

3.Krishnaveni

4.Uma

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to dispose the Petitioner's representation dated 16.03.2023 within a stipulated time.



For Petitioner : Mr.V.Venkatesan
For Respondents : Mr.N.Naveen Kumar
Government Advocate

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the 1st respondent to dispose of the representation made by the petitioner on 16.03.2023, wherein the petitioner has sought for the cancellation of the patta granted in favour of the husband of the 3rd respondent.

2. Heard Mr.V.Venkatesan, learned counsel for the petitioner and Mr.N.Naveen Kumar, learned counsel for the respondents to 3.

3. The petitioner is aggrieved by the issuance of the patta in favour of the husband of the 3rd respondent by the 2nd respondent with respect to the subject property. The petitioner made a representation to the 1st respondent and since the same was not considered, the present writ petition has been filed before this Court.



4. In the considered view of this Court, if the petitioner is aggrieved by the issuance of patta by the 2nd respondent viz., The Tahsildar, the petitioner has to file an appeal before the RDO, Thiruvallur, in terms of Section 12 of the Tamil Nadu Patta Passbook Act, 1983. The 1st respondent is not the authority, who has been assigned this power to deal with the appeal under the Act. Therefore, no useful purpose will be served in directing the 1st respondent to deal with the appeal.

5. This writ petition is disposed of by giving liberty to the petitioner to make a fresh appeal before the RDO, Thiruvallur District and on receipt of the same, the RDO shall conduct an enquiry by issuing notice to the private respondents and a decision shall be taken as expeditiously as possible. No costs. Consequently, the connected miscellaneous petition is closed.

26.06.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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4

To

1. The District Revenue Officer of Thiruvallur
Thiruvallur

2. The Thasildar
Poonamallee Taluk Office
Poonamallee, Chennai 600 056



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5

N. ANAND VENKATESH, J.
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