



WEB COPY

WP No.24379 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02-06-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.24379 of 2021

And

WMP No.25682 of 2021

Mrs.Mumtaj

... Petitioner

Vs.

1.The District Collector,
Krishnagiri District.

2.The Revenue Divisional Officer,
Hosur,
Krishnagiri District.

3.The Tahsildar,
Hosur,
Krishnagiri District.

4.K.S.Ramanujam

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records in the impugned order passed by the second respondent in reference number



Ref.No.Pa.Mu.1102/2021/P3 dated 31.05.2021 and quash the same and consequently direct the respondents 1 to 3 to issue patta in the petitioner's favour based on the representation dated 28.07.2021.

For Petitioner : Mr.T.Arockia Dass for
M/s.Dass and Viswa Associates.

For Respondents-1 to 3 : Mr.D.Ravichander,
Special Government Pleader.

For Respondent-4 : Ms.R.Poornima

ORDER

The order dated 31.05.2021 passed by the second respondent- Revenue Divisional Officer, Hosur, is under challenge in the present writ petition.

2. The petitioner states that she purchased the landed property comprised in Survey No.56/1, Ranga Panditha Agraharam Village, Hosur Taluk, Krishnagiri District as per two different Sale Deeds dated 02.01.2020 and 08.01.2020 respectively on payment of sale consideration.

3. The petitioner submitted an application for grant of patta and



the Tahsildar, Hosur conducted an enquiry based on the orders of the Court and passed an order on 18.05.2016 relegating the parties to approach the Competent Civil Court of Law, if at all any title disputes exist between the parties. Instead of approaching the Civil Court, the fourth respondent preferred an appeal before the second respondent after a lapse of about five years and the impugned order has been passed by the second respondent without conducting an appropriate enquiry.

4. The learned counsel for the petitioner mainly contended that the patta was granted in favour of the petitioner based on the orders passed in the present writ petition. Further, the Tahsildar, Hosur has rightly formed an opinion that the title dispute is to be resolved between the parties by approaching the Competent Civil Court of Law.

5. That being the order passed by the Tahsildar, Hosur, the appeal was entertained beyond the period of limitation prescribed under the provisions of the Patta Pass Book Act and therefore, the order impugned is to be set aside.



6. The learned Special Government Pleader appearing on behalf of the respondents 1 to 3 raised an objection by stating that the appeal was entertained on merits and the issues are to be considered based on the facts and circumstances raised between the parties. If at all any grievance exists, the petitioner has to prefer further appeal as stated in the order impugned. Instead of approaching the Competent Civil Court of Law, the petitioner has chosen to file the present writ petition, which is to be rejected.

7. Entertaining an appeal after a lapse of about five years without any condonation per se is irregular. The second respondent ought not to have entertained the appeal after a lapse of about five years.

8. When the Tahsildar, Hosur has specifically made an observation relegating the parties to approach the Competent Civil Court of Law to resolve the title dispute, the order per se reveals that the adjudication was done by the second respondent on extraneous considerations and thus this Court is inclined to consider the present writ petition.

9. The Competent Appellate Authority is empowered to



entertain an appeal within the time limit prescribed under the Statute. If at all the aggrieved persons are able to substantiate the reasons or the delay and then such delays should be condoned by recording reasons and thereafter the appeal is to be decided on merits and in accordance with law.

10. Contrarily, the second respondent cannot entertain the appeal after a lapse of about five years without even assigning any reason for entertaining the appeal after such a long period.

11. That being the factum, the order impugned is improper and infirm.

12. Accordingly, the order passed by the second respondent in proceedings Ref.No.Pa.Mu.1102/2021/P3 dated 31.05.2021 is quashed and the aggrieved parties are relegated to approach the Competent Civil Court of Law, if at all there is title dispute or otherwise between the parties.

13. With the above observations, the writ petition stands



allowed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
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To



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S.M.SUBRAMANIAM, J.

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