



WEB COPY

WP No.33281 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15-09-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.33281 of 2017

Selvaraj

... Petitioner

Vs.

1.The District Collector,
District Collector office,
Ariyalur-621 704.

2.Special Deputy Collector (GDP),
Collectorate,
Ariyalur-621 704.

3.Tahsildar,
Taluk Office,
Ariyalur-621 704.

... 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 of Petition No.2017/9005/17/858893/1009 passed on 14.10.2017 by the second respondent, The Special Deputy Collector (GDP), Collectorate, Ariyalur-621 704 and quash the same and consequently directing the



respondents to issue the patta in the name of the petitioner based upon the judgment and decree passed in S.A.No.19 of 2005 on the file of this Court.

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For Petitioner : Ms.P.Veena Suresh

For Respondents : Mr.G.Krishna Raja,
Additional Government Pleader.

ORDER

The order of rejection passed by the second respondent in proceedings dated 14.10.2017 rejecting the application submitted by the writ petitioner for grant of patta, is under challenge in the present writ petition.

2. The petitioner submitted an application for grant of patta under the provisions of the Tamil Nadu Patta Pass Book Act, 1983. The second respondent rejected the application on the ground that a civil litigation was pending before the High Court in Second Appeal No.19 of 2005 during the relevant point of time.



3. The learned counsel for the petitioner brought to the notice of this Court that the said Second Appeal No.19 of 2005 was disposed of by the high Court on 18.07.2012 and no other civil litigation is pending between the parties.

4. That being the factum, based on the order passed by this Court in the Second Appeal No.19 of 2005 dated 18.07.2012, the Revenue Authorities are bound to consider the application submitted by the writ petitioner for grant of patta under the provisions of the Patta Pass Book Act, 1983.

5. In view of the facts and circumstances, the order impugned passed by the second respondent in Petition No.2017/9005/17/858893/1009 passed on 14.10.2017 is quashed. The second respondent is directed to consider the application submitted by the writ petitioner on merits and in accordance with law and by conducting an enquiry by affording opportunity to all the parties concerned and pass final orders, within a period of twelve weeks from the date of receipt of a copy of this order.



6. Accordingly, the present writ petition stands allowed.

However, there shall be no order as to costs.

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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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