



W.P.No.29539 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.No.29539 of 2018

K.Kumarasamy

... Petitioner

Vs.

1.State Chief Information Officer,
Tamil Nadu Information Commission,
No.2, Thiyagaraya Road,
Teynampet, Chennai – 18.

2.First Appellate Officer,
Tahsildar, Kanchipuram,
Taluk Office, Kanchipuram,
Kanchipuram District.

3.The Public Information Officer,
Taluk Office, Kanchipuram,
Kanchipuram District.

4.K.Dhanasekaran

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records leading to passing of the impugned order dated 10.06.2018 in Na.Ka.No.2358/2018/2 of the 2nd respondent and quash the same and



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consequently, direct the 3rd respondent to furnish the information sought under the petitioner invoked under RTI dated 04.04.2018 within a time frame.

For Petitioner : Mr.G.Krishnakumar
For Respondents : Mr.Niranjana Rajagopalan
for M/s.G.R.Associates [R1]
Mr.Alagu Goutham
Government Advocate [R2 & R3]

ORDER

This Writ Petition has been filed seeking for a Writ of Certiorarified Mandamus, to call for the records leading to passing of the impugned order dated 10.06.2018 in Na.Ka.No.2358/2018/அ2 of the second respondent and quash the same and consequently, direct the third respondent to furnish the information sought under the petitioner invoked under RTI dated 04.04.2018 within a time frame.

2. The case of the petitioner is that, on 11.10.1999, petitioner along his younger brother-fourth respondent herein, registered a partition deed and properties in respect of 'A' schedule were allotted to petitioner and 'B' schedule was allotted to fourth respondent. Patta in respect of properties in



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S.No.(New) 34/10 was originally stands in the name of petitioner's father and pursuant to the above said partition deed, the petitioner approached the Tahsildar for sub division and individual patta, for which, the Tahsildar informed that already the patta was issued in favour of the fourth respondent. Since the transfer of patta was without the knowledge of the petitioner, he filed a petition before the Tahsildar, based on the petition, enquiry was conducted, during which, the fourth respondent informed that he was intend to file a suit for partition. Thereafter, the fourth respondent filed a suit in O.S.No.56 of 2013 before the Sub Court, Kancheepuram for partition in respect of the schedule properties under the partition deed. During the pendency of the suit, the fourth respondent has sold the property to an extent of 25 ft x 175 ft in Survey No.(New).34/10 in favour of one Surendar. After coming to know about the said sale, the petitioner had filed a suit for declaration before the Principal District Munsif and both the above suits are still pending.

2.1. On 04.04.2018, the petitioner filed an application under RTI before the third respondent seeking information with regard to the alleged transfer of patta in RPT file 2935/2000/அ2. Since the same was



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considered by the third respondent, the petitioner has preferred an appeal before the second respondent on 14.05.2018. Though there is no reply from the respondents 2 and 3, the petitioner made an application before the first respondent on 20.08.2018 seeking reason for grant of patta in favour of the fourth respondent. Thereafter, on 10.06.2018, the second respondent passed the impugned order. Challenging the same, the petitioner filed the above writ petition before this Court for appropriate directions.

3. The learned counsel for the petitioner submits that, already the petitioner had made an application for cancellation of patta granted in favour of the fourth respondent before the second respondent. However, he wants to know the reason for granting patta in favour of the fourth respondent, for which, he made an application before the third respondent and the same was not considered. Thereafter, he filed an appeal before the second respondent, however, the second respondent passed the impugned order, which is not sustainable. Accordingly, he prayed for appropriate orders.



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4. Heard both sides and perused the materials available on record.

5. This Court is unable to understand the application made by the petitioner before the first respondent. Once the patta is granted by the Tahsildar in favour of the fourth respondent, the petitioner has to challenge the patta in the manner known to law under Tamil Nadu Patta Pass Book Act, 1983. Admittedly, the petitioner has exhausted the remedy before the authority for cancellation of patta, even then, this Court is unable to understand on what basis the petitioner has made an application before the first respondent seeking reason for grant of patta in favour of the fourth respondent. Hence, the prayer sought by the petitioner cannot be granted and the writ petition is liable to be dismissed.

6. Accordingly, the writ petition is dismissed. No costs.

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

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M.DHANDAPANI, J.

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To

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