



W.P(MD)No.4800 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.4800 of 2023

C.Muniyappan

... Petitioner

Vs.

1.The District Collector
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Palani,
Dindigul District.

3.The Tahsildar
Vedasandur Taluk,
Vedasandur,
Dindigul District.

4.Kumarayee

5.Chellammal

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the



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records pertaining to the impugned order issued by the third respondent in Na.Ka. No.3162/2022/A4, dated 29.08.2022 and quash the same as illegal and unconstitutional and consequently, directing the respondents 1 to 3 to issue patta in respect of the petitioner's landed property comprised in Survey No.625/1 of an extent of 0.79.70 Ares situated at Pallapatti Village, Vendasandur Taluk, Dindigul District, in his favour and for other reliefs.

For Petitioner : Mr.J.Lawrance

For Respondents 1 to 3 : Mr.N.Muthu Vijayan,
Special Government Pleader

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. This writ petition has been filed in the nature of Certiorarified Mandamus seeking interference with the order of the third respondent, Tahsildar, Vendasandur Taluk, Dindigul District.



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3. The petitioner has sought grant of patta for the lands situated at Survey No.625/1 measuring 0.79.70 Ares at Pallapatti Village, Vedasandur Taluk, Dindigul District. The third respondent / Tahsildar, Vedasandur Taluk has passed an order, dated 29.08.2022 in Na.Ka.No. 3162/2022/A4, refusing to grant patta.

4. The learned counsel has a grievance. The learned counsel for the petitioner states that the third respondent has sought production of a sale deed, but it is stated that the representation given by the petitioner herein had gone unheeded by the third respondent. It is therefore, complained that though there is an appellate remedy is available, this Court should interfere with the order of the third respondent.

5. Heard the learned Special Government Pleader appearing on behalf of respondents 1 to 3. Let me not issue notice to respondents 4 and 5, but dispose of the writ petition by giving liberty to the petitioner to file an appeal as provided under the Act.



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6. The Appellate Authority/ Revenue Divisional Officer, Palani, Dindigul District, may among other issues, first examine the issue of consideration of documents by the Tahsildar, Vendasandur Taluk, Dindigul District and if the petitioner has documents permit the petitioner to produce additional documents. If additional documents are produced then the Revenue Divisional Officer/Appellate Authority, may remand the matter back to the Tahsildar, for fresh consideration on the basis of the documents and other representations given. The said appeal may be filed under Section 12 of the Patta Pass Book Act. If the period for filing of the appeal had expired, the Revenue Divisional Officer, may not put the issue of limitation provided the petitioner herein file an appeal or before 17.03.2023.

7. With the said observations, the writ petition stands disposed of. No costs.

06.03.2023

Index :Yes/No
Internet :Yes/No
NCC : Yes / No
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To

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C.V.KARTHIKEYAN, J.

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