



W.P.(MD)No.20432 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.20432 of 2014

Abdul Jalil
The Secretary,
Masjid Mubarak Jumma Pallivasal,
Pudumanai Mahallah,
Sornapuram Street,
Tenkasi, Tirunelveli District.

... Petitioner

versus

1. The Tahsildar,
Tenkasi Taluk,
Tirunelveli District.
2. The Commissioner,
Tenkasi Municipality,
Tenkasi,
Tirunelveli District.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records of the 1st respondent's order in Na.Ka.A7/12843/2014 dated 17.11.2014 and quash the same and direct the 1st respondent to grant



W.P.(MD)No.20432 of 2014

patta to the petitioner's Masjid Mubarak Jumma Pallivasal Jamath for the vacant site of 10 cents in T.S.No.221, Ward C, Block 32, Tenkasi Town, Tirunelveli District in view of the Judgment and Decree in O.S.No.297 of 1985 and Section 23 of the Patta Pass Book Act within a stipulated period.

For Petitioner : Mr.A.Haja Mohideen
For R1 : Mr.S.Shaji Bino,
Special Government Pleader
For R2 : Mr.P.Athimoola Pandian

ORDER

This writ petition is filed as against the order dated 17.11.2014 passed by the first respondent/the Tahsildar, Tenkasi, rejecting the request of the petitioner for transferring patta in the name of Masjid Mubarak Jumma Pallivasal Jamath.

2. The learned counsel appearing for the petitioner submits that the petitioner has already obtained a decree in their favour in O.S.No. 297 of 1985 dated 30.09.1998 and without considering the decree passed by the District Principal Court, Tenkasi, the first respondent/the



W.P.(MD)No.20432 of 2014

Tahsildar, Tenkasi, has rejected the request of the petitioner for transferring the patta in the name of Masjid Mubarak Jumma Pallivasal Jamath.

3. The learned Special Government Pleader appearing for the petitioner submits that the Tahsildar, Tenkasi, after considering the documents produced by the concerned parties, has rightly rejected the request of the petitioner under Tamil Nadu Patta Pass Book Act, by referring to an appeal remedy available to the petitioner before the Revenue Divisional Officer, Tenkasi. However, the petitioner, without invoking the appeal remedy, has straight away filed this writ petition.

4. In view of the submissions made by the learned Special Government Pleader, the writ petition is disposed of by giving liberty to the petitioner to file an appeal before the Revenue Divisional Officer, Tenkasi.



W.P.(MD)No.20432 of 2014

5. Considering that the writ petition was pending from the year 2014, this Court directs the Revenue Divisional Officer, Tenkasi, to exempt the period from 09.12.2014 till the date of filing an appeal while calculating the period of limitation under Tamil Nadu Patta Passbook Act. If any appeal is preferred by the petitioner, the Revenue Divisional Officer, Tenkasi, shall consider the same in accordance with law, after providing sufficient opportunities to the parties concerned as expeditiously as possible. No costs.

21.03.2023

ogy

NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

1. The Revenue Divisional Officer,
Tenkasi,
Tirunelveli District.



W.P.(MD)No.20432 of 2014

2. The Tahsildar,
Tenkasi Taluk,
Tirunelveli District.
3. The Commissioner,
Tenkasi Municipality,
Tenkasi,
Tirunelveli District.



WEB COPY



W.P.(MD)No.20432 of 2014

B.PUGALENDHI, J.

ogy

W.P.(MD)No.20432 of 2014

21.03.2023