



WEB COPY



W.P.No.930 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.930 of 2024

and

W.M.P.Nos.968, 969 & 970 of 2024

1. K.M.Sunny
2. K.M.Mohan
3. R.Premkumar Reddy
4. R.Rajkumar Reddy

... Petitioners

Vs

1. State Of Tamilnadu Rep. By
The Secretary to Government,
Revenue Department,
Government Of Tamilnadu,
Fort St. George, Chennai – 600009.
 2. The District Collector
Tiruvallur District,
Tiruvallur – 602 001.
 3. The Tahsildar
Poonamallee Taluk,
Tiruvallur District
Chennai – 600056.
- Respondents

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the 3rd Respondent relating to the impugned order in Na.Ka. No. 4919/2021/A1 dated 26.04.2023 passed by the 3rd Respondent and to quash the same and consequently direct the 3rd Respondent to grant joint patta to the petitioners herein.

For Petitioners : M/s.R.Maheswari

For Respondents : Mrs.V.Yamunadevi
Special Government Pleader

ORDER

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus to call for the records of the third respondent relating to the impugned order passed by the third Respondent in Na.Ka.No.4919/2021/A1 dated 26.04.2023 and to quash the same and consequently direct the third respondent to grant joint patta to the petitioners herein.

2. Heard the learned counsel appearing for the petitioners and the learned Special Government Pleader appearing for the respondents.



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3. It is the contention of the petitioners that the petitioners are joint owners of the subject property. Mr.S.P.Balakrishnan executed a registered Will in favour of the petitioners 3 and 4 and C.P.Mary executed a registered will in favour of her two sons, namely the petitioners 1 and 2 herein. They filed O.S.No.49 of 1988 against the Government/ District Collector, Chengalpattu, on the file of the Sub-Court, Poonamalle and the suit was decreed in favour of them. As per order of the this Court dated 20.03.2014, appeal filed by the respondents in A.S.No.57 of 1996 was dismissed and the judgment and decree passed in O.S.No.49 of 1988 on the file of the Sub Court, Poonamallee was confirmed. Hence the petitioners are entitled for patta. Since the respondents failed to issue patta, petitioners earlier filed the writ petition in W.P.No.11264 of 2022 for considering their representation dated 12.04.2022 and thereafter also, the respondents have not passed any order. Hence, the petitioners have filed Contempt Petition No.874 of 2023 before this Court. Pending Contempt Petition, even without giving opportunity to the petitioners, the third respondent passed the impugned order dated 26.04.2023 by rejecting the petitioners' application stating



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that the respondents have proposed to file S.L.P. Subsequently, the Contempt Petition has been closed.

4. The petitioners have challenged the impugned order dated 26.04.2023 passed by the third respondent. As per Patta Pass Book Act, there is an appellate remedy available before the appellate authority namely, the Revenue Divisional Officer. The petitioners are without exhausting the alternative appellate remedy, they have filed the present writ petition. Hence, the petitioners are at liberty to work out their remedy in the manner known to law.

5. Since the petitioners have got the decree in their favour and no SLP has been filed by the respondents so far, in case, if the petitioners file an appeal before the appellate authority, the appellate authority is directed to consider their appeal and dispose the same in accordance with law on merits within a period of one month from the date of filing of an appeal.



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6. With the abovesaid direction, the Writ Petition is disposed of.

There shall be no order as to costs. W.M.P.No.968 of 2024 is ordered on payment of separate court fees by each of the petitioners. Consequently, connected miscellaneous petitions in W.M.P.Nos.969 and 970 of 2024 are closed.

18.01.2024

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

1. The Secretary To Government,
Revenue Department,
Government Of Tamilnadu,
Fort St. George
Chennai – 600009.
2. The District Collector
Tiruvallur District,
Tiruvallur - 602001.
3. The Tahsildar
Poonamallee Taluk,
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P.VELMURUGAN, J.

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