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W.P.No.1657 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2024

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.1657 of 2024

and

W.M.P.Nos.1689 and 1691 of 2024

- 1.Preetha V Kannan
- 2.Vaanan Vetrivel Kannan
- 3.Arun Vetrivel Kannan

... Petitioners

versus

- 1.The Tahsildar,
Taluk Office,
Sengadu, Yercaud Taluk,
Salem District – 636 601.
- 2.The Deputy Tahsildar,
Taluk Office,
Sengadu, Yercaud Taluk,
Salem District – 636 601.
- 3.The Revenue Divisional Officer,
R.D.O.Office, Suramangalam P.O,
Salem District – 636 005.

.....Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the second respondent in the impugned order dated 19.07.2023

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bearing No.2023/0103/08/391609 and quash the same and direct the 1st and 2nd respondents to implement the order passed by the third respondent bearing No.1537/2023/A3 dated 24.04.2023 for transfer of patta in the name of the petitioners with respect to Survey Nos.38/1 (Part), 28/2B 29/1A4 (Part) and 37/3 in 41-Narthenchedu Village, Yercaud.

For Petitioners : Mr.P.J.Rishikesh
For Respondents : Mr.R.U.Dinesh Rajkumar
Additional Government Pleader

ORDER

Mr.R.U.Dinesh Rajkumar, learned Additional Government Pleader accepts notice for respondents. With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed to quash the impugned order bearing No.2023/0103/08/391609, dated 19.07.2023 passed by the second respondent and consequently, to direct the 1st and 2nd respondents to implement the order passed by the third respondent, bearing No.1537/2023/A3, dated 24.04.2023 for transfer of Patta in the name of the



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petitioners with respect to Survey Nos.38/1 (Part), 28/2B, 29/1A4 (Part) and 37/3 in 41-Narthenchedu Village, Yercaud.

3. The learned counsel for the petitioners submitted that in respect of the lands at Survey Nos.38/1 (Part), 37/1, 28/2B, 29/1A4 (Part) and 37/3 situated at 41-Narthenchedu Village, Yercaud, petitioners had filed an appeal before the third respondent/Revenue Divisional Officer for transfer of Patta. After enquiry, the third respondent, by order dated 24.04.2023, partly allowed the appeal seeking for transfer of patta in respect of S.Nos.38/1 (Part), 28/2B, 29/1A4 (Part) and 37/3 situated at 41-Narthenchedu Village, Yercaud and rejected the patta updation in respect of S.No.37/1. Challenging the same, the petitioners had filed an appeal dated 20.05.2023 before the District Revenue Officer and the same is pending. While that being so, the petitioners had made online application dated 21.6.2023 to the second respondent herein to implement the order dated 24.04.2023 passed by the Revenue Divisional Officer for transfer of patta in favour of the petitioners with respect to Survey Nos.38/1 (Part), 28/2B 29/1A4 (Part) and 37/3 in 41-Narthenchedu Village, Yercaud. However, the second respondent, vide order dated 19.07.2023, rejected the patta updation on the ground that appeal filed

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by the petitioners is pending before the District Revenue Officer.

Challenging the same, the present writ petition has been filed.

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

5. On a reading of the impugned order, it is seen that since the appeal is pending before the District Revenue Officer in respect of S.No.37/1, the second respondent was not able to consider the representation of the petitioners seeking transfer of Patta in their names with respect to Survey Nos.38/1 (Part), 28/2B 29/1A4 (Part) and 37/3 in 41-Narthenchedu Village, Yercaud. If the petitioners succeed in the appeal filed before the District Revenue Office, they will get Patta for all the survey numbers, otherwise, they have to file a revision or appeal against the rejection of Patta updation with respect to S.No.37/1. Since the appeal is pending before the District Revenue Officer, this Court does not find any perversity or infirmity in the impugned order passed by the second respondent.

6. Accordingly, this Writ Petition is dismissed, granting liberty to the petitioners to work out their remedy before the appellate authority. However,

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there shall be no order as to costs. Consequently, connected W.M.P.No.1691 of 2024 is closed.

7.W.M.P.No.1689 of 2024 is ordered on payment of separate Court fees by each of the petitioners.

29.01.2024

Index: Yes/No
Speaking Order : Yes/No
Neutral Citation Case : Yes/No
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To

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Taluk Office,
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P.VELMURUGAN, J.

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