



WEB COPY



W.P.No.22692 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.22692 of 2024

S.Sailaja

... Petitioner

vs.

1.The Revenue Divisional Officer,
Kallakurichi District,
Kallakurichi.

2.The Tahsildar,
Kallakurichi Taluk Office,
Kallakurichi District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to call for the records relating to the impugned order dated 20.05.2024 vide file No.2024/0105/33/477610 issued by 2nd respondent and quash the same as illegal and unconstitutional and consequently direct the 2nd respondent to transfer the revenue records including patta, Chita, Adangal in favour of the petitioner name by subdivision the property in Survey No.49/2A total extend 0.36 ½ cents situated at Madur Village, Kallakurichi Taluk, Kallakurichi District.



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For Petitioner : Mr.T.Balachandran

For Respondents :Mr.S.J.Mohamed Sathik
Government Advocate

ORDER

The writ petition is filed challenging the order passed by the second respondent dismissing the application filed by the petitioner seeking issuance of patta in his name.

2. The learned counsel for the petitioner submitted that the transfer of patta was rejected by the second respondent by way of non speaking order on the ground that there was a land problem.

3. The learned Government Advocate appearing for the respondents would submit that a detailed order was passed by the second respondent on 08.06.2024 rejecting the request of the petitioner for issue of patta on the ground that the petitioner is not in physical possession of the property and at the time of survey of the property, one Sakthivel was found to be in possession of the property. He also produced the detailed order passed by the second respondent.



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4. Since the detailed order passed by the second respondent is already furnished to the petitioner, it is always open to him to challenge the correctness of the same by filing an appeal before the first respondent. Since the controversy involved in this writ petition is a disputed question of fact with regard to the possession of the property, this Court is not inclined to entertain the writ petition. However, the liberty is granted to the petitioner to approach the Revisional authority/first respondent and challenge the order passed by the second respondent, in accordance with law.

5. Accordingly, this writ petition is disposed of. No costs.

21.08.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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S.SOUNTHAR, J.

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To
1. The Revenue Divisional Officer,

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Kallakurichi District,
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2.The Tahsildar,
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