



WEB COPY



W.P.No.636 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2024

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.636 of 2024

L.Rajeswari

... Petitioner

Versus

1.The District Collector,
Rajaji Salai, Fourth Floor,
No.62, Beach Road,
George Town,
Chennai – 600 001.

2.The Tahsildar,
Sholinganallur Taluk,
Chennai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to patta bearing Na.Ka.No.5187/2023/A1 dated 06.03.2023 issued by the 2nd respondent and quash the same and further direct the 2nd respondent to inspect, measure and issue sub-division patta in favour of the writ petitioner.

For Petitioner : Mr. M. Madhuprakash
For Respondents : Ms. Akila Rajendran
Government Advocate



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ORDER

The petitioner filed this writ petition challenging the records pertaining to the Patta bearing Na.Ka.No.5187/2023/A1, dated 06.03.2023 issued by the second respondent and to direct the second respondent to inspect, measure and issue sub-division Patta in her favour.

2. The claim of the petitioner is that she purchased the property that belongs to one Mr. Gopinathan through his Power of Attorney, by name, Mrs.Gomathy on 30.03.1994, vide Doc.No.1034 of 1994 in the Sub-Registrar Office, Madras South. From that date onwards, she is in possession. Later on, she came to know that the Patta in respect of the said property's was not changed in her name, since her husband is working abroad, she usually visits India only during the vacations. Thereafter, the petitioner filed a Writ Petition in W.P.No.2259 of 2022 and by order dated 11.02.2022 the petitioner obtained a direction to consider her application dated 19.07.2022 and dispose of the same within a period of twelve weeks from the date of receipt of a copy of that order. Though this Court had directed the respondents, as above, the second respondent rejected the claim of the petitioner by issuing the impugned order dated 06.03.2023.



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Challenging the same, the petitioner has filed the present writ petition for above said relief.

3. The learned Government Advocate appearing for the respondents submitted that, after considering the petitioner's application and as per the order of this Court, the second respondent found that there was an order of permanent injunction obtained in respect of the property in question, which was purchased by the petitioner and there are discrepancies in the survey number, layout and plot number as mentioned in the petitioner's document. Therefore, the second respondent rejected the request of the petitioner.

4. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

5. The petitioner is challenging the order dated 06.03.2023 issued by the second respondent for issuance of sub-division Patta. Since there are alternative remedies available to the petitioner if at all she is



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aggrieved with the impugned order she has got appellate remedy, but, without exhausting the appellate remedy, the petitioner filed the present writ petition before this Court. Therefore, the Writ Petition is not maintainable.

6. In view of the above submissions and facts of circumstances, the Writ Petition is dismissed. No costs. However, the petitioner is at liberty to work out her remedy before the appropriate forum in a manner known to law.

11.01.2024

Index : yes/no
Speaking order : yes/no
Neutral Case Citation : yes/no

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To:

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P. VELMURUGAN, J.



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