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W.P.No.9838 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2025

CORAM

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.No.9838 of 2025
and WMP.Nos.11044, 11045 of 2025

M/s.Chettinad Academy of Research and Education
Represented by its Authorized Signatory
Mr.Sivaramakrishnan Hariharan
No.603, 5th Floor, Chettinad Towers
Anna Salai, Chennai - 600 006.

.... Petitioner

Vs

The Tahsildar
Ambattur Taluk
Ambattur
Chennai - 600 053.

.... Respondent

Prayer : Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the respondent with respect to the order dated 28.02.2025 passed by it vide Procs.No.415/2023/C2 and quash the same and consequently direct the respondent to grant patta in the name of the petitioner for the schedule mentioned property.



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For Petitioner : Mr.Nithyaesh Natraj
for Mr.Vaibhav R Venkatesh

For Respondent : Mr.P.Sathish
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned proceedings of the respondent dated 28.02.2025 and for a consequential direction to the respondent to grant patta in the name of the petitioner for the subject property.

2. Heard Mr.Nithyaesh Natraj, learned counsel for the petitioner and Mr.P.Sathish, learned Additional Government Pleader for the respondent.

3. The case of the petitioner is that the subject property was brought for auction sale and the petitioner participated in the same and the sale certificate dated 13.03.2023 was issued in the name of the petitioner. Thereafter, the sale certificate was presented before the Sub Registrar, Konnur and an entry was made under Section 89 of the Registration Act in Book-1. Subsequently, the petitioner made an application seeking for issuance of patta in their name.



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The said application came to be rejected by the respondent through the impugned proceedings dated 28.02.2025. Aggrieved by the same, the present writ petition has been filed before this Court.

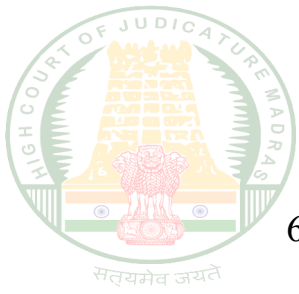
4. This Court carefully went through the order passed by the respondent. The reason that has been assigned by the respondent, refusing to issue patta in favour of the petitioner is that the petitioner did not pay the necessary stamp duty for the sale certificate and hence, as abundant caution, the patta sought for by the petitioner was rejected, and this was done based on the fact that the petitioner should have paid the necessary stamp duty while registering the sale certificate, and whereas, only an entry has been made in Book-1 under Section 89(4) of the Registration Act.

5. The reasons that has been assigned by the respondent on the face of it, is illegal and it is an error of law apparent on the face of the order. The respondent is not expected to deal with the issue of stamp duty payable for a sale certificate. That is an area which is specifically assigned to the Registration Department and the Revenue Department does not have anything



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to do with this. Admittedly, the sale certificate for the subject property was issued in favour of the petitioner on 13.03.2023 and based on the same, the petitioner had requested for patta. The application should be considered in line with the provisions of Patta Passbook Act. While doing so, what has to be seen by the respondent is, as to whether title has passed on to the petitioner, and it is beyond the power and jurisdiction of the respondent to test the sale certificate on the ground of deficit stamp duty. It is quite unfortunate that the respondent went beyond the scope of enquiry while considering the petitioner's application for issuance of patta. Even though an alternative remedy is available to the petitioner by way of an appeal before the Revenue Divisional Office, this Court finds that the order passed by the respondent, is on the face of it illegal and hence, this Court is inclined to exercise its jurisdiction under Article 226 of the Constitution of India. The availability of the appellate remedy is not a complete bar for the High Court to exercise its jurisdiction under Article 226 of the Constitution of India. It is only a self-imposed restriction placed by the Court on itself and the writ jurisdiction can be exercised inspite of availability of an alternative remedy.



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6. In the light of the above discussion, this Court finds that the impugned proceedings of the respondent dated 28.02.2025 is illegal and the reasons assigned by the respondent carries an error of law apparent on the face of law and accordingly, the same is hereby quashed. There shall be a direction to the respondent to act upon the application submitted by the petitioner based on the sale certificate issued in favour of the petitioner and patta shall be granted in the name of the petitioner, within a period of four weeks from the date of receipt of a copy of this order

7. In the result, this writ petition is allowed with the above directions.
No costs. Consequently, connected miscellaneous petitions are closed.

20.03.2025

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
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To:
The Tahsildar
Ambattur Taluk
Ambattur
Chennai - 600 053.

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N. ANAND VENKATESH., J

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