



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2025

WEB COPY

CORAM :

THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

W.P. No. 21944 of 2025

K. Chandrabalan

... Petitioner

Vs.

1. The District Collector,
Office of the Collectorate,
Salem District.
2. The Revenue Divisional Officer,
Office of the RDO,
Attur Taluk,
Salem District.
3. The Tahsildar,
Office of Tahsildar,
Gengavalli Taluk,
Salem District.
4. Duraisamy
5. Rajamani

... Respondents

Prayer: This Writ Petition has been filed under Article 226 of the Constitution of India seeking Writ of Mandamus or any other in the nature of writ directing the second respondent to dispose of the petitioner's appeal representation dated 21.03.2025 within a time to be stipulated by this Hon'ble Court.



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W.P. No.2194



For Petitioner : Mr. A. Rajakumar
For R1 to 3 : Mr. A. Selvendran,
Special Government Pleader

ORDER

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself. In view of the order that this Court proposes to pass and also the limited relief that is sought to be granted, notice to the 4th and 5th respondent is dispensed with.

2. The present writ petition is filed praying for a writ of mandamus to direct the 2nd respondent to dispose of the petitioner's appeal dated 21.03.2025.

3. It is submitted by the learned counsel for the petitioner that the property comprised in Survey Nos.141/1B and 141/1C, admeasuring 60 cents, situated in Thammampatti Village, Gengavalli Taluk, Salem District, with Patta No.149 was originally owned by petitioner's father. Petitioner's father settled the said property in favour of petitioner and petitioner's brother by way of a settlement deed vide Doc.No.2392 of 2012 dated 20.12.2012 and the same was registered in the file SRO, Thammampatti. It is further submitted that as on date Patta No.149 stands in the name of petitioner's father.

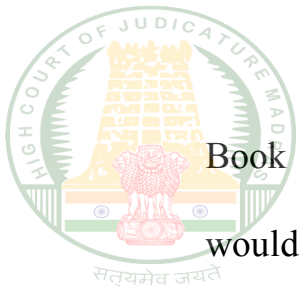


3.1. It is submitted by the learned counsel for the petitioner that the petitioner submitted applications to the respondents seeking patta. However, no steps were taken to issue patta in the name of petitioner and his brother. Aggrieved, petitioner filed a writ petition in W.P.No.19374 of 2024 to dispose of the application seeking patta. This Court vide order dated 22.07.2024 passed the following order:

“5. Considering the limited relief sought for in this writ petition, the respondents are directed to consider the application of the petitioner dated 17.09.2020 and pass appropriate orders on the same on merits and in accordance with law within a period of two months from the date of receipt of a copy of this order.”

3.1. Pursuant to the direction of this Court the 3rd respondent herein passed an order in Na.Ka.No.2387/2024/AA2 dated 10.03.2025, rejecting the patta application on the premise that a suit is pending in respect of the subject property. Aggrieved by the same the petitioner preferred an appeal before the 2nd respondent on 21.03.2025 and the appeal is still pending for adjudication. Thus the petitioner has filed this writ petition to direct the 2nd respondent to dispose of the appeal as expeditiously as possible.

4. The learned Special Government Pleader would submit that the that the rejection of request of patta was only in view of pendency of a suit in respect of the subject property and the restriction in terms of Rule 4(4) of Patta Pass



Book Rules. It is further submitted that the petitioner's appeal dated 21.03.2025 would be disposed of within a time frame to be fixed by this Court, which was agreed to by the learned counsel for the petitioner.

5. In view of the same, taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition, there shall be a direction to the 2nd respondent, to dispose of the appeal dated 21.03.2025, after affording the petitioner and any other interested party a reasonable opportunity of hearing, within a period of 12 weeks from the date of uploading of web copy without waiting for the receipt of certified copy. It is made clear that this Court has not expressed any views with regard to the merits of the case and it is open to the concerned respondent to consider the appeal on its own merits and in accordance with law. No costs.

23.06.2025

spp

Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No



W.P. No.2194



To:

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MOHAMMED SHAFFIQ, J.

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