



W.P.Nos.4212 & 4213 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:11.09.2025

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.4212 & 4213 of 2017
and W.M.P.Nos.5501, 4374 & 5500 of 2017

Priyanka Senguttuvan

... Petitioner
(In both petitions)

Vs

1.The Secretary to Government,
Revenue Department,
Fort St.George,
Chennai-600 009.

2.The Tahsildar,
No.18, Semmanjeri Village,
Sholinganallur Taluk,
Kancheepuram District.

3.The Surveyor,
No.18, Semmanjeri Village,
Sholinganallur Taluk,
Kancheepuram District.

4.The Village Administrative Officer,
No.18, Semmanjeri Village,
Sholinganallur Taluk,
Kancheepuram District.

... Respondents
(In both petitions)



Prayer in W.P.No.4212 of 2017 : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the second respondent relating to the impugned order signed by the second respondent in Na.Ka.No.9603/2015/B2 on 23.7.2016 and referred to in the foregoing paragraph 3 and quash the same on the ground of total arbitrariness with total non-application of mind to the provisions of the Tamil Nadu Patta Passbook Act 1983 and Tamil Nadu Patta Passbook Rules 1987, and bereft of any reason mandated by the above Act and is malafide and consequently direct the second and third respondents to consider and pass orders according to the provisions of the Tamil Nadu Passbook Act 1983 and Tamil Nadu Patta Passbook rules 1987 on the application of the Petitioner dated 16.8.2012 for grant of Patta and renewed with the second fresh application dated 10.10.2015 and received by the 2nd respondent on 12.10.2015.

Prayer in W.P.No.4213 of 2017 : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the second respondent relating to the impugned order signed by the second respondent in Na.Ka.No.9603/2015/B2 on 23.7.2016 and referred to in the foregoing paragraph 3 and quash the same on the ground of total arbitrariness with total non-application of mind to the provisions of the Tamil Nadu Patta Passbook Act 1983 and Tamil Nadu Patta Passbook Rules 1987, and bereft of any reason mandated by the above Act and is malafide and consequently direct the second and third respondents to consider and pass orders according to the provisions of the Tamil Nadu Passbook Act 1983 and Tamil Nadu Patta Passbook rules 1987 on the application of the Petitioner dated 27.8.2012 for grant of Patta and renewed with the second fresh application dated 10.10.2015 and received by the 2nd respondent on 12.10.2015.



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In both Petitions

For Petitioner : Mr.R.Krishnamoorthy,
Senior Counsel for Mr.Vadivelu

For Respondents : Mr.M.Rajendiran,
Additional Government Pleader
for RR-1 to 4

COMMON ORDER

Aggrieved by the impugned order of the 2nd respondent dated 23.7.2016, the present Writ Petition has been filed seeking quashment of the same as also for a consequential direction to the 2nd and 3rd respondents to consider the applications of the petitioner for grant of patta in accordance with the provisions of the Tamil Nadu Passbook Act.

2.Brief facts that are necessary for disposal of these Writ Petitions:-

The petitioner had purchased a property in Plot Nos.311, 312, 313 comprised in Survey No.378/2M measuring to a total extent of about 6000 Sq.ft situated at Sri Ganapathy Nagar Colony, Semmencherry Village, Tambaram Taluk, Kancheepuram District, of Semmancherry Village with boundaries from one G.Asha vide Document Nos.3515 & 3514 of 2006 dated 9.6.2006. Thereafter, the petitioner had submitted a representation dated 16.8.2012 & 27.8.2012 before the 2nd respondent seeking issuance of patta in respect of the aforesaid property in Survey No.378/2M. Since, no orders were passed on the same, the petitioner filed a Writ Petitions in W.P.Nos.19478 & 19479 of 2015 wherein, this Court vide common order dated 07.09.2015 had directed the



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petitioner to make fresh application to the respondents seeking issuance of patta and the same to be considered by the 2nd respondent herein. Pursuant to the order passed by this Court, the present impugned order came to be passed by the 2nd respondent stating that the Plot Nos.311, 312 & 313 are referable only to Survey Nos.378/1C and 378/1D18 and the Survey No.378/2M does not find place in the Village Accounts by directing the petitioner to obtain rectification deed. Challenging the same, the present Writ Petitions have been filed by the petitioner.

3. Learned counsel appearing for the petitioner submitted that the order impugned in this Writ Petition is wholly arbitrary and illegal as no opportunity of personal hearing was given to the petitioner before passing the same which is in violation of principles of natural justice and therefore, the same requires interference at the hands of this Court.

4. Per Contra, learned Additional Government Pleader appearing for Respondents 1 to 4 submitted that, as against the order impugned herein, there is a remedy of appeal available for the petitioner before the Revenue Divisional Officer. Instead of resorting to the said remedy, filing of Writ Petitions before this Court is not sustainable and therefore, the prayer sought in these Writ Petitions cannot be acceded to.



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5. This Court heard the learned counsel appearing on either side and perused the materials available on record.

6. As per the revenue records, the property which is stated to have been purchased by the petitioner pertains to Survey Nos.378/1C & 378/1D18 whereas the survey number mentioned in the sale deed dated is 378/2M which was the basis for rejection of the petitioner's claim for grant of patta in respect of the subject property.

7. Since the issue involved in these Writ Petitions pertains to a disputed question of fact, it cannot be adjudicated under Article 226. Further, when there is an alternative remedy of appeal, the petitioner has to either obtain a rectification deed from the vendor or file an appeal before the Revenue Divisional Officer. Without exhausting such remedies, invoking Writ jurisdiction through these Writ Petitions is wholly impermissible.

8. For the reasons aforesaid, the Writ Petitions are dismissed. There shall be no order as to costs. Consequently, the connected Miscellaneous Petitions are closed.

11.09.2025

Index : Yes / No

Neutral Citation Case : Yes / No

Nhs



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M.DHANDAPANI, J

Nhs

To

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