

L.Jothilingam Vs. the Tahsildar

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Court : Chennai

Decided On : Jun-14-2012

Judge : R.Banumathi; B.Rajendran, Jj.

Appeal No. : W.A.(MD) No.179 OF 2012

Appellant : L.Jothilingam

Respondent : The Tahsildar

Advocate for Def. : Mr.A.Muthukaruppan,AGP, Adv.

Advocate for Pet/Ap. : Mr.S.Subbiah, Adv.

Judgement :

JUDGMENT

(Judgment of the Court was made by R.BANUMATHI,J.)

1. Being aggrieved by the dismissal of Writ Petition - W.P.No.14839 of 2011 and declining to quash the order of respondent in R.C.No.15687/2011/D2 dated 12.12.2011 and also declining to issue direction to the respondent to issue computerised patta for the lands in T.S.No.74/2 in Tallakulam village, Madurai North Taluk, Madurai District, appellants have preferred this appeal.

2. The appellants claimed to be the owners of the land measuring an extent of 3.37 acres situated at T.S.No.74/2 in Tallakulam village, Madurai North Taluk, Madurai District through Will allegedly executed by their paternal grandfathers. Based on those Wills, the appellants have filed applications for grant of patta before the respondent. Earlier, appellants have filed two writ petitions - W.P.Nos.10916 and 10917 of 2011 seeking for a mandamus to direct the respondent to grant patta in favour of the appellants. Those writ petitions were disposed on 23.9.2011 directing the respondent to consider the representation and pass appropriate orders after conducting physical verification. Thereafter, the respondent passed the impugned order on 12.12.2011 after conducting field verification as well as by giving opportunity to the appellants. Refusing to grant patta, the respondent observed that the appellants are seeking for issuance of patta belatedly after 39 years and that the appellants have absolutely no right or interest in the said property and dismissed the application. Challenging the said proceedings of the Tahsildar, appellants have filed W.P.No.14839 of 2011.

3. The order passed by the respondent - Tahsildar refusing to grant patta to the appellants is an appealable order. Even in the impugned proceedings of the respondent, it was clearly stated that appeal lies before the Revenue Divisional Officer, Madurai. Pointing out that the order is appealable before the Revenue Divisional Officer, the learned single Judge dismissed the writ petition, which is challenged in this appeal.

4. Heard the learned counsel appearing for the appellants.

5. As rightly pointed out by the learned single judge, the impugned proceedings of the Tahsildar is an appealable order. Observing that the land in T.S.No.74/2 corresponding to old Survey No.210/134 is situated opposite to Mattudhavani bus stand and very near to Official quarters constructed for the High Court staff and that the property is very valuable property, the Tahsildar refused to grant patta in favour of the appellants. When in the impugned order itself, it is clearly stated that appeal lies before the Revenue Divisional Officer, Madurai, the appellants cannot invoke the jurisdiction under Article 226 of the Constitution of India. We do not find any reason warranting interference with the order of the learned judge.

6. Hence, the writ appeal is dismissed. However, there is no order as to costs.

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