

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2016

CORAM:

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.32224 of 2016

and

WMP.No.27943 of 2016

R.Senthilkumar

.. Petitioner

Versus

1. The District Revenue Officer,
O/o. the District Revenue Office,
Thiruppur,
Thiruppur District.
2. The Revenue Divisional Officer,
O/o. the Revenue Divisional Office,
Thiruppur,
Thiruppur District.
3. The Tahsildar,
O/o. the Tahsildar Office,
Avinashi Taluk,
Perumanallur Revenue Village,
Tiruppur District.
4. V.Selvakumar

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of mandamus, to forbear the second respondent from proceeding further in pursuant to the notice issued by the second respondent vide his proceedings in Na.Ka.No.1771/2016/A2 dated 13.07.2016 as the second respondent is not the competent authority under the Tamil Nadu Patta Pass Book Act, 1987.

For Petitioner : Mr.S.Nambi Arooran
For R1 to R3 : Mr.P.Senthilvel,
Government Advocate

ORDER

The present writ petition has been filed by the petitioner praying for the issuance of a Writ of Mandamus to forbear the second respondent from proceeding further in pursuant to the notice issued by him, vide his proceedings in Na.Ka.No.1771/2016/A2 dated 13.07.2016 on the ground that the second respondent is not the competent authority to issue such notice as has been contemplated under the Tamil Nadu Patta Pass Book Act, 1987.

2. According to the petitioner, the fourth respondent herein filed a petition before the second respondent, namely, the Revenue Divisional Officer, Thiruppur, seeking to cancel patta No.518 granted in his favour. According to him, the patta No.518 was granted in pursuance of a registered Will dated 14.10.2012 executed by Karuppusamy, who is none other than the maternal uncle of the petitioner. The second respondent, vide his proceedings dated 13.07.2016, issued a notice directing the petitioner to appear before him for an enquiry on 18.07.2016. The petitioner appeared before the second respondent on 18.07.2016 and filed a counter statement and subsequently, without informing him the next date of enquiry, further proceeding was adjourned. According to him, there are two civil suits are pending in the connection with the same property.

3. The main contention of the petitioner is that though he appeared before the second respondent on 18.07.2016 and filed his counter, so far no order is passed and no communication is received from the second respondent in respect of the next hearing date also. Now, the grievance of the petitioner is that the second respondent has no jurisdiction to entertain the application of the 4th respondent for cancellation of the patta granted in his favour. As per Section 10 of the Tami Nadu Patta Pass Book Act, 1983, in respect of any modification of entries in the patta pass book, a person seeking such modification should file an application before the Tahsildar concerned and on receipt of the same, the concerned Tahsildar has to consider and decide the application on merits. Hence, the application before the second respondent is wholly unwarranted.

4. The learned Government Advocate appearing for the Respondents 1 to 3 submitted that only one suit is pending and other suit was decreed ex parte. Though sale deeds had been relied upon by the petitioner, no document numbers are given. He further submitted that no order is passed by the second respondent on the petition filed by the fourth respondent so far.

5. In view of the submission of the learned Government Advocate that no order is passed by the second respondent, after conducting an enquiry on the basis of the complaint given by the fourth respondent, the second respondent is directed to pass orders on the petition filed by the fourth respondent, after considering the counter and objection filed by the petitioner including the objection regarding the

jurisdiction, on merits and in accordance with law. Accordingly, the present writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To

1. The District Revenue Officer,
O/o. the District Revenue Office,
Thiruppur,
Thiruppur District.
2. The Revenue Divisional Officer,
O/o. the Revenue Divisional Office,
Thiruppur,
Thiruppur District.
3. The Tahsildar,
O/o. the Tahsildar Office,
Avinashi Taluk,
Perumanallur Revenue Village,
Tiruppur District.

+1 cc to M/s.Ajmal Associates,sr.52359

+1 cc to M/s.Govt.Pleader,sr.52542.

Psk(cO)
krd 24/10

WP No.32224 of 2016

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