



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:19.07.2016

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

Writ Petition (MD). No.12603 of 2016

M.Rajendran

... Petitioner

Vs.

1.The District Collector,
Trichy District,
Trichy.

2.The Revenue Divisional Officer,
Lalgudi,
Trichy District.

3.The Tahsildar,
Mannachanallur Taluk,
Trichy District.

... Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 3rd respondent to delete the wrong entry made in the petitioner's Patta Passbook No.16464 by dispose and pass final orders on his application u/s. 10 of the Tamil Nadu Patta Passbook Act, 1983, dated 16.02.2016 within the time limit stipulated by this Hon'ble Court.

For Petitioner
For Respondents

:Mr.D.Selvanayagam
:Mr.J.Gunaseelan Muthiah
Govt. Advocate

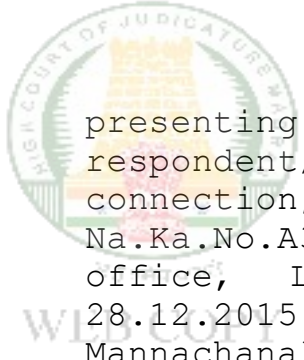
O R D E R

Heard both sides.

2. By consent, the the main writ petition itself is taken up for final disposal.

3. No counter is filed on behalf of the respondents 1 to 3.

4. According to the petitioner, he had purchased a land at Pitchandar Koil Village in Natham Sy.No.115/2A, 2R and new Survey No.115/23 in the year 1981, measuring an extent of 23/8 cents and obtained a patta in the year 2002. When that be the facts <https://hcservicesadmission.in/hcservices> only his wife's name viz., Malarkodi and his brother (late) Shanmugam's wife's name viz. (Late) Lakshmi were included in the patta and hence, he prayed for removing their names by



presenting a communication dated 16.02.2016 to the 3rd respondent/Tahsildar, Mannachanallur, Trichy District. In this connection, the petitioner relies on a communication in Na.Ka.No.A3-2904-2015, dated 19.02.2016 of the Sub-Collector's office, Lalgudi, wherein, the petitioner's petition dated 28.12.2015 was enclosed and sent to the 3rd respondent/Tahsildar, Mannachanallur, Trichy District for favour of necessary action. Also, the third respondent/Tahsildar, Mannachanallur Taluk, Trichy District was directed to inform as to the further action taken by him to the Office of the Sub-Collector, Lalgudi. In spite of the same, the grievance of the petitioner is that his representation dated 16.02.2016 is still pending on the file of the concerned authority and hence, he has filed the present writ petition before this Court.

5. At this stage, this Court aptly points out that as per the ingredients of Rule 12 of Tamil Nadu Patta Passbook Rules, 1987, which enjoins that the application for modification of entries in the patta passbook, under Section 10 of the Act, is to be disposed of within a period of 90 days. In the instant case, the such time limit of 90 days had already expired, even then the petitioner is not able to see the light of the day, as regards his representation dated 16.02.2016, submitted by him, addressed to the third respondent. In this connection, this Court pertinently points out that if a particular Section or a particular Rule enjoins the concerned authority to act within a prescribed limit and to act in a particular/specified manner, it is his primordial duty to follow the necessary Rule/Ingredients with utmost Care, Caution and Circumspection. In case, the procedure and the time limit prescribed under a particular Act/Rule are not followed by the concerned authority, then the Rule/Section/Act can only remain in black list without a teeth to bite, in the considered opinion of this Court.

6. Considering the fact that the petitioner's representation dated 16.02.2016 is pending on the file of the third respondent/Tahsildar, Mannachanallur Taluk, Trichy District and also it is evident that the petitioner had already submitted a representation on 28.12.2015 before the Sub-Collector, on the Grievance Day and also this Court, taking note of the attendant facts and circumstances of the present case, in a cumulative fashion, in the interest of Justice and Fair Play, directs the third respondent/Tahsildar, Mannachanallur Taluk, Trichy District, to take up the representation/petition of the petitioner dated 16.02.2016 and to dispose of the same by passing a reasoned, speaking order on merits (of-course by providing necessary opportunity to the petitioner and others concerned, by following the principles of Natural Justice), within a period of 3 weeks. The petitioner is also required to lend his assistance and unstinted co-operation to the third respondent/Tahsildar, Mannachanallur Taluk, Trichy



District so as to enable him to dispose of his representation,
dated 16.02.2016.

7. With the aforesaid observation(s) and direction(s),
the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(Records)

/True copy/

Sub Assistant Registrar

To

1.The District Collector,
Trichy District,
Trichy.

2.The Revenue Divisional Officer,
Lalgudi,
Trichy District.

3.The Tahsildar,
Mannachanallur Taluk,
Trichy District.

+1cc to Mr.D.Selvanayagam, Advocate RS.No.37985

+1cc to the special Government Pleader SR.No.37909

VS

sm:KBM:26.07.2016:3P/6C

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