IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated : 05.10.2017

CORAM:
THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.A No.433 of 2013

A.S.Alaudeen ...Appellant

Vs

1.Shri Nandanam Educational Social
Welfare Trust, rep. by its Chairman
P.M.M.Nandagopal,
S/o.Munirathina Chettiar,
Molagaram Patti Village and Post
Thiruppathur Taluk, Vellore District.

2.The State of Tamil Nadu,
Rep. by its Secretary
Department of Revenue, Chennai.

3.The District Collector,
Collectorate, Vellore District.

4.The District Revenue Officer,
Vellore.

5.The Tahsildar,
Thirupathur, Vellore District.

6.The Block Development Officer,
Panchayat Union Kandili,
Thirupathur Taluk,
Vellore District. ...Respondents

Prayer:- Writ Appeal filed under clause 15 of Letters Patent, against the order made in W.P.No.17104 of 2011 dated 22.02.2012.

WP.No.17104 of 2011:Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorari calling for the records of the 3rd respondent in his proceedings in NaKa.Q11472/10 dated 05.07.2010 and quash the same.

For Appellant : Mr.S.Arivazhagam
For Respondents : No appearance

J U D G M E N T

K.K. SASIDHARAN,J.

This intra court appeal is directed against the order dated 22 February, 2012, whereby and where under, the learned single Judge, set aside the order passed by the District Revenue Officer, Vellore and directed the parties to approach the Tahsildar under the Tamil Nadu Patta Pass Book Act for appropriate relief.

2. The 4th respondent, by order dated 5 July, 2010 directed the Tahsildar, Thirupathur to restore the entry relating to a cart track in respect of the land in Survey No.16/2, Molagarampatti Village, on the ground that it was left out during the UDR Scheme. The order was passed on 5 July, 2010. The said order was challenged by the first respondent herein before the writ court primarily on the ground that the fourth respondent has no authority to pass an order of such nature.

3. The learned single Judge allowed the writ petition with a finding that the appropriate authority to make changes is only the Tahsildar and he has to resort to the provisions of the Tamil Nadu Patta Pass Book Act. The appellant, who was impleaded as the 6th respondent in the said writ petition has come up with this intra court appeal.

4. We have heard the learned counsel for the appellant. None appeared on behalf of the respondents in spite of printing their names in the cause list.

5. The order passed by the 4th respondent clearly indicates that there was an entry relating to cart track in respect of the land in Survey No.16/2 originally. It was omitted to be noted during the course of UDR Scheme. It was only to rectify the said defect, the District Revenue Officer, initiated proceedings and the same resulted in passing the order dated 5 July, 2010. There is no question of directing the Tahsildar to initiate proceedings under the Tamil Nadu Patta Pass Book Act on account of the fact that the entry was originally there and it was omitted to be recorded at a subsequent point of time. The District Revenue Officer wanted to incorporate the entry, which was left out and that was the purport of the order dated 5 July, 2010.

6. The learned single Judge proceeded on the premise that the order in question can be passed only under the Patta Pass

Book Act. The question of rectification under the Patta Pass Book Act would arise only in case there is a necessity to substitute entries for the first time. In the subject case, there was an entry initially with respect to cart track in Survey No.16/2. When it was found that it was not updated during the UDR Scheme, the District Revenue Officer rightly passed the order restoring the entry.

7. We therefore, do not find any reason to agree with the views expressed by the learned single Judge. The order dated 22 February, 2012 is set aside. The writ petition stands dismissed.

8. In the up shot, we allow the intra court appeal. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary
The State of Tamil Nadu,
Department of Revenue, Chennai.

2.The District Collector,
Collectorate, Vellore District.

3.The District Revenue Officer,
Vellore.

4.The Tahsildar,
Thirupathur, Vellore District.

5.The Block Development Officer,
Panchayat Union Kandili,
Thirupathur Taluk,
Vellore District.
+1 cc to Mr.S.Arivazhagan Advocate sr 71504

W.A No.433 of 2013

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