



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.1529 of 2018

N.Vadivel

... Petitioner

-Vs-

1. The District Collector,
Karur District, Karur.

2. The Tahsildar,
Kadavur Taluk,
Kadavur, Karur District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to issue patta in the petitioner's name in respect of land in Survey No.706/14 measuring 2.45 cents situated at Pannapatti Village, Kadavur Taluk, Karur District based on the petitioner's representation dated 01.11.2017.

For Petitioner : Mr.M.Sankar

For Respondents : Mr.Aayiram K.Selva Kumar,
Additional Government Pleader.

ORDER

The relief sought for in the Writ Petition is for a direction to direct the respondents to issue patta in the petitioner's name in respect of the land in Survey No.706/14 measuring 2.45 cents situated at Pannapatti Village, Kadavur Taluk, Karur District based on the petitioner's representation dated 01.11.2017.

2.The relief sought for by the writ petitioner as such cannot be granted. However, the learned counsel appearing on behalf of the writ petitioner restricts the prayer by stating that it would suffice, if a direction issued to consider the representation submitted by the writ petitioner on 01.11.2017. The issuance of patta by the Tahsildar is governed under the provisions of the Tamil Nadu Patta Passbook Act, 1983. The



Tahsildar, who is the competent authority, on receipt of any proper application from the owner of the property, conduct enquiry and scrutinize the documents ascertain the title of the owner and thereafter, patta has to be issued under the provisions of the act.

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3. In other words, the competent authority is bound to conduct proper enquiry under the provisions in order to issue patta in favour of any owner of the property. This apart, if any order is passed by the competent authority, namely, the Tahsildar under the Tamil Nadu Patta Passbook Act, an appeal lies to the District Revenue Officer authorised by the Government by notification for this behalf. Thus, the provision of appeal is also provided under the act.

4. Under these circumstances, no writ petition can be entertained in respect of grant of patta. Since no such direction can be directly issued by this Court. However, the learned counsel for the petitioner restricts the prayer only to issue direction to consider the representation. It is needless to mention that any application received by the competent authority has to be considered and a decision is to be taken within a reasonable period of time. In other words, the authorities competent are bound to decide the issues within a reasonable period of time without causing undue delay to the claimants, who are submitting such applications. However, the writ petitioner has filed a representation on 01.11.2017. The application is pending for about three months.

5. The learned Additional Government Pleader appearing on behalf of the respondents brought to the notice of this Court that the land in question is natham poromboke land and the petitioner cannot have any right over the land. However, it is for the authorities to consider all these aspects based on the revenue records and the documents if any submitted by the writ petitioner and take a decision in accordance with law.

6. Taking note of the fact that the representation was submitted three months back, the respondents have to consider the same, conduct enquiry and pass appropriate orders without causing any undue delay. Therefore, the second respondent is directed to consider the representation submitted by the writ petitioner on 01.11.2017 and pass appropriate orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. The writ petitioner is directed to submit a proper application along with all necessary documents in order to prove his title along with the order passed in the Writ Petition.



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7. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Karur District, Karur.
2. The Tahsildar,
Kadavur Taluk,
Kadavur, Karur District.

+ 1 cc TO Mr.M.Sankar , Advocate in SR No. 44399
+ 1 cc TO The Special Government Pleader in SR No. 44780

Myr/ta
AE/SV MMS/SAR4/16.02.2018/3P/5C

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