



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2019

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THE HON'BLE MR.JUSTICE R.SURESH KUMARW.P.(MD)No.14291 of 2019

WEB COPY

Esakkiammal

...Petitioner

-Vs-

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. The Tahsildar
Nanguneri Taluk,
Tirunelveli District.

3. Sheik Abdul Kadar

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents to cancel the patta obtained by the 3rd respondent herein bearing Survey No.96/2, 96/3 situated at Keela Karuvelamkulam Village, Nanguneri Taluk, Tirunelveli District consequently direct the 2nd respondent to issue a patta in favour of the petitioner based on the petitioner's representation dated 13.05.2019.

For Petitioner : Mr.PR.Boomee Rajan

For Respondents : Mr.P.Kannithevan, AGP
for RR1 and 2**ORDER**

The prayer in this writ petition is for a Writ of Mandamus, directing the respondents to cancel the patta obtained by the 3rd respondent herein bearing Survey No.96/2, 96/3 situated at Keela Karuvelamkulam Village, Nanguneri Taluk, Tirunelveli District consequently direct the 2nd respondent to issue a patta in favour of the petitioner based on his representation dated 13.05.2019.

2.Heard Mr.PR.Boomee Rajan, the learned counsel appearing for the petitioner and Mr.P.Kannithevan, learned Additional Government Pleader appearing for the respondents land 2. Since no adverse order is going to be passed against the 3rd respondent, notice to him is dispensed with.

3.In order to rectify the patta, which was according to the
<https://hcservices.courts.gov.in/hcservices/> wrongly given in respect of the land of the petitioner
in Survey No.96/2, 96/3 situated at Keela Karuvelamkulam Village,



Nanguneri Taluk, Tirunelveli District, the petitioner has given representation to the 2nd respondent on 13.05.2019. Since the said representation was not considered by the Tahsildar, i.e., the 2nd respondent, the petitioner is before this Court.

4. I have considered the said submission made by the learned counsel appearing for the petitioner.

5. Since the petitioner is aggrieved over the patta, according to him, wrongly given by the Tahsildar, in order to rectify the same, the petitioner has to prefer an appeal under Section 12 of Patta Passbook Act to the concerned Revenue Divisional Officer, instead, the petitioner cannot approach the very same Tahsildar by making representation as the Tahsildar has already passed the order. Therefore, he has no right to pass further order sitting upon his own order. In that view of the matter, the prayer sought for herein cannot be granted. At the same time, it is open to the petitioner to make an appeal as against the wrong issuance of patta by the Tahsildar to the Revenue Divisional Officer concerned and if such appeal is filed, the same shall be considered by the Revenue Divisional Office concerned without insisting upon any limitation to that aspect, provided, if the said appeal is filed within two weeks from the date of receipt of a copy of this order.

6. With this direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar (CS)

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To

1. The District Collector,
Tirunelveli District, Tirunelveli.

2. The Tahsildar
Nanguneri Taluk, Tirunelveli District.

+ 1 CC TO Mr. PR. Boomee Rajan, ADVOCATE IN SR No. 71409

+ 1 CC to The Special Government Pleader SR.No. 72000

Order made in
W.P. (MD) No. 14291 of 2019

Dated: **26.06.2019**