



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2019

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.14321 of 2019

M.Sundaram

... Petitioner

-Vs-

1. The District Collector,
Trichy District, Trichy.

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

3. The Tahsildar,
Tahsildar Office,
Marungapuri Taluk,
Trichy District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, direct the respondents to cancel the Patta No.117 for Survey No. 408/37 consequently direct the respondents to issue the Patta for petitioner's Natham Land in Survey No. 408/37 in Akkiyampatty Village, Palayampalam post, Marungapuri Taluk, Trichy District and consider the petitioner's representation dated 08.11.2016 & 10.05.2019.

For Petitioner : Mr.A.Mu.Sharavanan

For Respondents : Mr.C.M.Mari Chelliah Prabhu, AGP

ORDER

The prayer in this writ petition is for a Writ of Mandamus, to direct the respondents to cancel the patta No.117 for Survey No.408/37 in Akkiyampatty Village, Palayapalayam Post, Marungapuri Taluk, Trichy District and consider the petitioner's representation dated 08.11.2016 & 10.05.2019.

2.Heard Mr.A.Mu.Sharavanan, learned counsel appearing for the petitioner and Mr.C.M.Mari Chelliah Prabhu, learned Additional Government Pleader appearing for the respondents.



3.The petitioner, in respect of his land in Survey No.408/37 in Akkiyampatty Village, Palayapalayam Post, Marungapuri Taluk, Trichy District, where there is a hut belongs to the petitioner, has filed a representation by way of appeal to all the three respondents herein as against the patta wrongly issued to some third parties, on 10.05.2019. The learned counsel appearing for the petitioner wants the said representation/appeal dated 10.05.2019 to be decided by the 2nd respondent i.e. the Revenue Divisional Officer, who is the concerned authority under the Patta Passbook Act to decide the appeal.

4.I have heard the learned Additional Government Pleader appearing for the respondents, who would submit that, though the said representation/appeal was given to all the respondents, anyhow, the 2nd respondent, being the authority, would consider the same and pass orders. But, at the same time, since the said representation was given for two purposes viz., (i) to initiate action against the officials, who issued patta wrongly to the third parties and (ii) to cancel the said patta, however, the learned counsel appearing for the petitioner submits that, insofar as the cancellation of patta, that would be the subject matter under Section 12 of Patta Passbook Act before the Revenue Divisional Officer concerned. Therefore, only for that purpose, the said appeal/representation of the petitioner would be considered by the 2nd respondent within a time frame.

5.I have heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents.

6.As rightly pointed out by the learned Additional Government Pleader appearing for the respondents, the representation of the petitioner dated 10.05.2019 shall be treated as an appeal under Section 12 of Patta Passbook Act, confining only to the issue with regard to the merits of the patta issued by the Tahsildar, which is in question and hence, in this regard, the said appeal can be decided by the 2nd respondent, Revenue Divisional Officer.

7.In that view of the matter, this Court is inclined to dispose of this writ petition, with the consent of both the parties, at the admission stage itself, with the following direction:

"The 2nd respondent is directed to consider the representation/appeal filed by the petitioner dated 10.05.2019, with regard to his grievance of the patta wrongly issued to third parties, after hearing both the petitioner as well as the rival claimants i.e. the third parties and to pass the final order to that effect shall be passed by the Revenue Divisional Officer, within a period of eight weeks from the date of receipt of a copy of



this order."

8. With this direction, this Writ Petition is disposed of.
No costs.

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Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The District Collector,
Trichy District, Trichy.
2. The Revenue Divisional Officer,
Srirangam,
Trichy District.
3. The Tahsildar,
Tahsildar Office,
Marungapuri Taluk,
Trichy District.

+1 CC to Special Government Pleader (SR-72024[F] dated 27/06/2019
)

Order made in
W.P. (MD) No. 14321 of 2019

Dated:

26.06.2019

AE/(26.07.2019) 3P 5C