



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2019

WEB COPY

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.14342 of 2019

P.Poolpandi Thevar

... Petitioner

-Vs-

1.The District Revenue Divisional Officer,
Tirunelveli District.

2.The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.

3.The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.

... Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, to direct the 1st respondent herein to consider and pass orders on the petitioner's representation dated 24.05.2019 seeking appropriate correction in the computer patta by including petitioner's name in respect of 55 cents land in Ayan Punja Sy.No.658/26 of Anaikulam Village, Radhapuram Taluk, Tirunelveli District, within a reasonable time as may be stipulated by this Court.

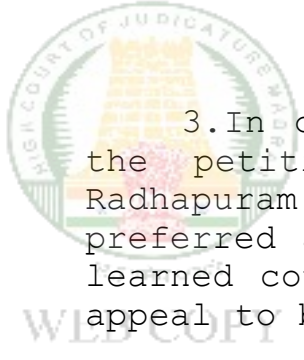
For Petitioner : Mr.E.V.N.Siva

For Respondents : Mr.B.Bhagawathi, G.A.

ORDER

The prayer in this writ petition is for a Writ of Mandamus, to direct the 1st respondent herein to consider and pass orders on the petitioner's representation dated 24.05.2019 seeking appropriate correction in the computer patta by including petitioner's name in respect of 55 cents land in Ayan Punja Sy.No.658/26 of Anaikulam Village, Radhapuram Taluk, Tirunelveli District, within a reasonable time as may be stipulated by this Court.

2.Heard Mr.E.V.N.Siva, learned counsel appearing for the petitioner and Mr.B.Bhawathi, learned Government Advocate appearing for the respondents.



3. In order to rectify the defect in the patta in respect of the petitioner's land in Sy.No.658/26 of Anaikulam Village, Radhapuram Taluk, Tirunelveli District, the petitioner has preferred an appeal dated 24.05.2019 to the 1st respondent and the learned counsel appearing for the petitioner wants that, the said appeal to be decided by the 1st respondent within a time frame.

4. Heard the learned Government Advocate appearing for the respondents, who would submit that under Patta Passbook Act, if anything to be rectified in wrong patta issued by the Tahsildar, appeal has to be preferred only to the Revenue Divisional Officer, who has to decide and against that order, even if the parties aggrieved, revision can be filed before the District Revenue Officer. Herein, the case in hand, as the petitioner seeks remedy against the wrong issuance of patta issued by the Tahsildar, i.e., the 3rd respondent herein, an appeal should have been preferred only to the 2nd respondent Revenue Divisional Officer. Since, it has been preferred to the 1st respondent, the learned Government Advocate would submit that let the 1st respondent forward the same to the 2nd respondent and on receipt of the same, let the 2nd respondent would consider the same and pass orders, on merits and in accordance with law, within a time frame.

5. Considering the said submissions made by both sides, 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 1st respondent is hereby directed to forward the petitioner's representation/appeal dated 24.05.2019 to the 2nd respondent immediately and on receipt of the said appeal from the 1st respondent to be forwarded in this regard, the 2nd respondent shall consider the same on merits and in accordance with law, of course, after hearing the petitioner as well as the rival claimants, if any, and such final order shall be passed by the 2nd respondent, within a period of eight weeks from the date of receipt of a copy of such appeal to be forwarded by the 1st respondent."

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

Sd/-

Assistant Registrar (AE)

// True Copy //

Sub Assistant Registrar (CS)



To

1.The District Revenue Divisional Officer,
Tirunelveli District.

2.The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.

3.The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.

+1 CC to M/s.SPL GP (SR-71999[F] dated 27/06/2019)

+1 CC to M/s.E.V.N.SIVA, Advocate (SR-71437[F] dated 26/06/2019)

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Order made in
W.P. (MD) No.14342 of 2019
26.06.2019

_KM/ (15.07.2019) 3P 6C