



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2019

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

WEB COPY

W.P.(MD)No.14903 of 2019

M.S.Mohamed Siddique

... Petitioner

-Vs-

1.The District Revenue Officer,
Thanjavur District,
Thanjavur.

2.The Tahsildar,
Kumbakonam Taluk,
Thanjavur District.

3.Asik Ali

... Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the 1st and 2nd respondents to cancel the patta on the name of the 3rd respondent herein and issue patta to the petitioner with regard to lands in Survey No. 216/2K to an extent of 10 cents situated at Sholapuram Village, Kumbakonam Ttaluk, Thanjavur District, based on the petitioners representation dated 24.01.2019.

For Petitioner : Mr.G.Gomathi Sankar

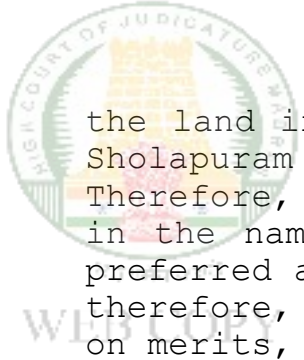
For Respondents : Mr.V.Anand, G.A. For RR1 and 2

ORDER

The prayer in this writ petition is for a Writ of Mandamus, directing the 1st and 2nd respondents to cancel the patta in the name of the 3rd respondent herein and issue patta to the petitioner with regard to lands in Survey No. 216/2K to an extent of 10 cents situated at Sholapuram Village, Kumbakonam Ttaluk, Thanjavur District, based on the petitioners representation dated 24.01.2019.

2.Heard Mr.G.Gomathi Sankar, learned counsel appearing for the petitioner and Mr.V.Anand, learned Government Advocate appearing for the respondents 1 and 2. Since no adverse order is going to be passed against the 3rd respondent, notice to him is dispensed with.

3.The learned counsel appearing for the petitioner would submit that, without hearing the petitioner wrongly patta has been issued in favour of the 3rd respondent by the 2nd respondent in respect of



the land in Survey No. 216/2K to an extent of 10 cents situated at Sholapuram Village, Kumbakonam Ttaluk, Thanjavur District. Therefore, in order to cancel the patta issued by the 2nd respondent in the name of the 3rd respondent dated 15.10.2018, the petitioner preferred an appeal or representation to the respondents 1 and 2 and therefore, if the said representation is directed to be considered on merits, the petitioner would be satisfied.

4.I have heard the learned Government Advocate appearing for the respondents 1 and 2, who would submit that, though representation has been given to the respondents 1 and 2, the appropriate authority to decide such representation is the Revenue Divisional Officer, who is the appellate authority against any orders passed by the Tahsildar under Patta Pass Book Act. Therefore, the representation given by the petitioner to the respondents 1 and 2 would be forwarded to the Revenue Divisional Officer concerned, who shall consider and pass orders on the said representation, on merits, within a time frame.

5.Considering the factual matrix of the case and the innocuous nature of the prayer sought for in this writ petition, with the consent of both the parties, this Court is inclined to dispose of this writ petition, at the admission stage itself, with the following direction:

"The petitioner's representation dated 24.01.2019 given to the respondents 1 and 2 shall be forwarded by the 1st respondent to the Revenue Divisional Officer, Kumbakonam, who on receipt of the same from the 1st respondent, shall consider the said representation of the petitioner on merits and in accordance with law, of course, after giving an opportunity of being heard to the petitioner as well as the 3rd respondent and pass final orders thereon, within a period of eight weeks from the date of receipt of such representation from the 1st respondent office."

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

Sd/-

Assistant Registrar (Records)

/ True Copy /

Sub Assistant Registrar(CS-)

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To

1.The District Revenue Officer,
Thanjavur District,
Thanjavur.



2.The Tahsildar,
Kumbakonam Taluk,
Thanjavur District.

Copy to

The Revenue Divisional Officer,
Kumbakonam,
Thanjavur District.

+1 CC to M/s.G.GOMATHI SANKAR, Advocate
(SR-73318[F] dated 04/07/2019)

Order made in
W.P.(MD)No.14903 of 2019
Dated: **03.07.2019**

ES/18.07.2019/3P/5C