



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2019

CORAM:

THE HONOURABLE **MR. JUSTICE M. SUNDAR**

W.P(MD)No.22613 of 2019

WEB COPY

K.Sarjohan Mohammed

... Petitioner

/Vs./

The Tahsildar,
Karaikudi Taluk,
Sivagangai District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondent to pass orders on the petitioner's statutory application in Application No.2018/0105/23/053853 dated 04.12.2018 made under Section 10 of the Tamil Nadu Patta Passbook Act, 1983 within the time that may be stipulated by this Court.

For Petitioner : Mr.Shaazim Shagar for
M/s.Ajmal Associates

For Respondents : Mr.Aayiram K.Selvakumar
Additional Government Pleader

ORDER

Mr.Shaazim Shagar, learned counsel on record for writ petitioner is before this Court.

2. Mr.Aayiram K.Selvakumar, learned Additional Government Pleader, accepts notice on behalf of sole respondent.

3. With consent of learned counsel on both sides, main writ petition is taken up, heard out and is being disposed of.

4. The main writ petition turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's statutory application dated 04.12.2018 under Section 10 of the 'Patta Passbook Act, 1983 (Tamil Nadu Act 4 of 1986)' (hereinafter referred to as 'said Act' for the sake of brevity, clarity and convenience) wherein writ petitioner has sought modification of certain entries in the patta passbook.

5. Notwithstanding several averments made in the affidavit filed in support of the writ petition, notwithstanding several grounds raised / contentions urged in the affidavit filed in support of instant writ petition, learned counsel for writ petitioner abridges the scope of the instant writ petition and submits that it will suffice if the respondent is directed to dispose of expeditiously/within a time frame, the aforementioned statutory application of the writ petitioner, dated 04.12.2018, details of



which have been alluded to supra.

6. Learned State counsel submitted that the sole respondent is the authority who shall consider the aforementioned statutory application dated 04.12.2018 made by the writ petitioner (page No.11 of the typed set of papers forming part of the case file).

7. The aforesaid statutory application dated 04.12.2018 shall be disposed of by the respondent on its own merits and in accordance with law as expeditiously as possible and in any event, within a period of eight (8) weeks from the date of receipt of a copy of this order.

8. To be noted, there are time lines prescribed and adumbrated in Rule 4 of the Tamil Nadu Patta Passbook Rules, 1997 for disposal of such statutory application. In the instant case, it appears that such time lines have elapsed. Be that as it may, sole respondent shall dispose of the statutory application under Section 10 of said Act within the time frame now prescribed in this order.

9. It is made clear that in the course of the statutory application being considered by the respondent, if the rights of any other third party / parties or any other third party entity / entities is / are likely to be affected, respondent shall put on notice and give reasonable opportunity to such third party / parties or any other third party entity / entities, before disposing of the aforementioned writ petitioner's statutory application. Though obvious, it is made clear that this Court has not expressed any opinion or view on the merits of the matter. The authority concerned shall not embark upon any exercise which is within the domain of civil Court jurisdiction.

10. The proceeding / order of disposal shall be communicated by the office of the respondent to the writ petitioner and others concerned (if any) under due acknowledgement within seven (7) working days from the completion of aforesaid exercise.

11. Instant Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

rmk

<https://hcservices.ecourts.gov.in/hcservices/>



To

The Tahsildar,
Karaikudi Taluk,
Sivagangai District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-94778[F] dated
25/10/2019)

+1cc to M/s.Special Government Pleader,SR.No. 94884

W.P (MD) No.22613 of 2019
25.10.2019

KK/SAR/08.11.2019/3P-4C/