

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAIWAMY

W.P.No.19047 of 2013

A.Murugan

... Petitioner

v.

1. District Revenue Officer,
Kancheepuram.

2. Tahsildar,
Sriperumbudur,
Kancheepuram District.

3. M. Arumugam

4. K. Govindammal Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuing a Writ of Mandamus by directing the 1st and 2nd respondents to consider the petitioner's application dated 23.04.2012 submitted under Form VI being application for modification in the Patta Pass book in accordance with section 10 of the Tamil Nadu Patta Passbook Act, within the time frame stipulated by this court after the notice to the 3rd and 4th respondents.

For Petitioners: Mr. Balan Haridas

For Respondents: Ms. A. Mathumathi,
Special Govt. Pleader - for R1 & R2

Mr. K.Arunbabu
for Mr.K.g.Senthil Kumar - for R3

No Appearance - for R4

O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's application dated 23.04.2012 submitted under Form VI being application for modification in the Patta Pass Book in accordance with section 10 of the Tamil Nadu Patta Passbook Act, within the time frame, after due notice to the respondents 3 and 4.

2. It is the case of the petitioner that the 2nd respondent issued a patta in favour of the petitioner's father, viz., K.Arumugam as well as in favour of the respondents 3 and 4. It is also the case of the petitioner that in the Civil Suit in O.S.No.913 of 2007 on the file of the Principal District Munsif Court, Alandur, the petitioner and 7 others were declared as the legal heirs of the deceased K.Arumugam, S/o. Kannappan, by the Judgment and Decree dated 31.08.2009. Subsequently the petitioner gave a representation to the 2nd respondent seeking for cancellation of patta issued in favour of the respondents 3 and 4 and issued a fresh patta pursuant to the decree passed in O.S.No.913 of 2007. However, the 2nd respondent has not passed any order in the representation given by the petitioner.

3. It cannot be disputed that the petitioner has got remedy by way of an appeal before the concerned Revenue Divisional Officer seeking for cancellation of patta issued in favour of the respondents 3 and 4. The 2nd respondent, being the original authority, who had issued the patta in favour of the respondents 3 and 4 and the father of the petitioner has no authority to cancel the patta.

4. In these circumstances, the prayer sought for in the Writ Petition cannot be granted. However, it is open to the petitioner to file an appeal under section 12 of the Patta Passbook Act before the appellate authority as against the issuance of patta in favour of the respondents 3 and 4. In such view of the matter, the Writ Petition is dismissed. It is open to the petitioner to file an appeal before the concerned jurisdictional Revenue Divisional Officer under section 12 of the Patta Passbook Act and if such an appeal is filed before the appellate authority in accordance with law, the appellate authority shall decide the same as expeditiously as possible. No costs.

सत्यमेव जयते Sd/-

Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

Rj

To

1. District Revenue Officer,
Kancheepuram.

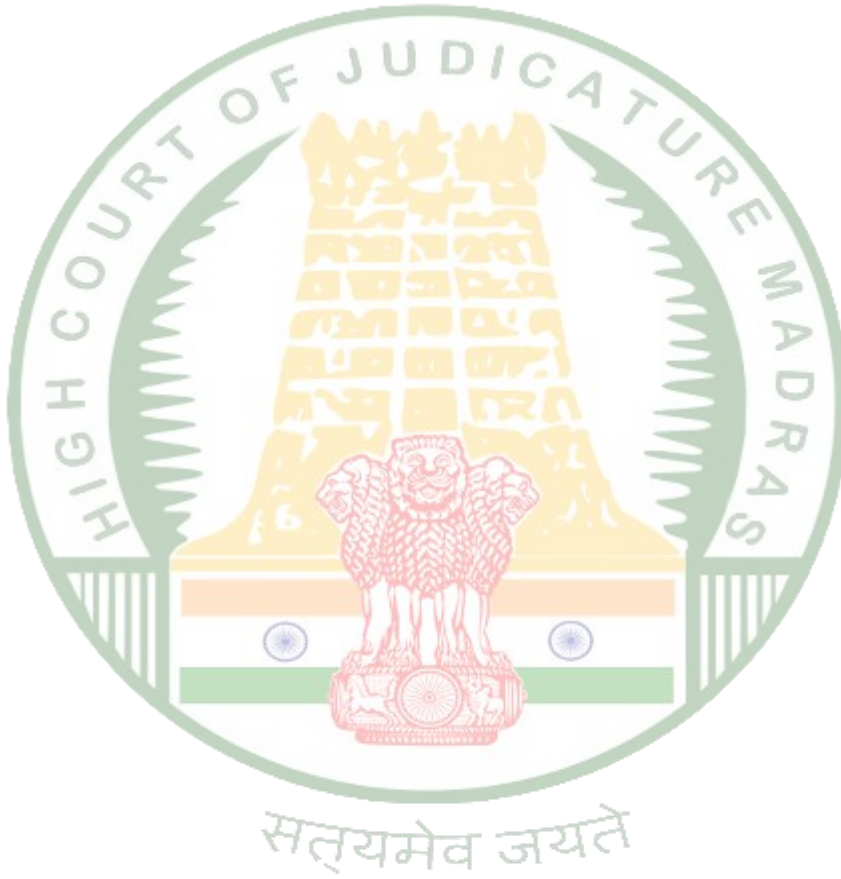
2. Tahsildar,
Sriperumbudur,
Kancheepuram District.

+1cc to Mr.K.G.Senthil Kumar, Advocate SR.No.24998

+1cc to Government Pleader, High Court, Madras SR.No.24916

W.P.No.19047 of 2013

MP (CO)
GMY (03/08/2020)



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