



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated 15.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.10648 of 2020

(Through Video Conferencing)

K.Paris Fathima

... Petitioner

Vs.

The Tahsildar,
Periyakulam Taluk
Theni District.

... Respondent

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondent to pass orders on the petitioner's statutory application dated 06.01.2020 made under Section 10 of the Tamilnadu Patta Passbook Act 1983 within the time stipulated by this Court.

For Petitioner : Mr.Mahaboob Athiff
for M/s.Ajmal Associates

For Respondents : Mr.M.Pandiyarajan
Addl.Government Pleader

O R D E R

The writ petition has been filed for a direction to the respondent to pass orders on the petitioner's statutory application dated 06.01.2020 made under Section 10 of the Tamilnadu Patta Passbook Act 1983 within the time stipulated by this Court.

2.The petitioner's case is that the land in S.No.1236/1A2 belongs to the petitioner and her sisters, which is an ancestral property and the petitioner and her sisters are in possession and enjoyment of the said property. It is her case that joint patta was issued in favour of her, her sisters and their grandmother. Thereafter, in view of the death of her grandmother, modifications in the patta have to be effected under Section 10 of the Patta Passbook Act. Therefore, the petitioner preferred an application to the respondent on 06.01.2020 and a reminder on 07.08.2020 seeking such modifications. However, since no action has been taken on the said applications, the petitioner is before this Court.

3. When the matter is taken up for hearing, the learned Additional Government Pleader, on instructions, would submit that the patta has already been issued to the petitioner and if the



petitioner has got any grievance, her remedy is only before the Revenue Divisional Officer.

4. Without making the other legal heirs as parties in the writ petition, the petitioner has filed the present writ petition and hence, on that score, this writ petition has got to be dismissed. It is needless to mention that the petitioner can make necessary application before the Revenue Divisional Officer concerned. Since the competent authority is the Revenue Divisional Officer concerned, before whom, a fresh application has got to be filed, this Court is not inclined to grant the relief sought for by the petitioner in this writ petition. Accordingly, this writ petition is dismissed. However, the observation made in this order will not prejudice the rights of any parties interested in getting patta with regard to the disputed land. In case, an application is filed by the petitioner before the Revenue Divisional Officer concerned, it shall be decided within a period of four months from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

RR

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1.The Revenue Divisional Officer,
Theni District.

2.The Tahsildar,
Periyakulam Taluk
Theni District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate SR-20240.

+1 CC to the SPL GP SR-20464.

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Dated:15.10.2020

(CO)

CS(28.10.2020) 2P 5C