



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **13.10.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **S.VAIDYANATHAN**

WEB COPY

W.P (MD)No.14207 of 2020

S.Rasaiah

... Petitioner

Vs.

1.The Revenue Divisional Officer,  
Kovilpatti Sub Division, Thoothukudi District.

2.The Tahsildar,  
Kayathar Taluk, Thoothukudi District.

3.Nijimol

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to take necessary steps to speedy disposal of the petitioner's Appeal under the Patta Passbook Act, dated 16.06.2020 within stipulated time limit fixed by this Court.

For Petitioner : Mr.M.Prabu

For Respondents : Mr.P.Kannithevan  
Additional Government Pleader  
For R1 and R2

**ORDER**

This writ petition has been filed for issuance of a direction to the first respondent to take necessary steps to speedy disposal of the petitioner's Appeal under the Patta Passbook Act, dated 16.06.2020 within stipulated time limit fixed by this Court.

2. Mr.P.Kannithevan, learned Additional Government Pleader takes notice for the respondents. By consent, the writ petition is taken up for disposal at the admission stage itself.

3. Being aggrieved by the order of the second respondent cancelling the patta in respect of the land in S.F.No.122/4 to an extent of 1.21.50 hector at Karadikulam Village, Kayathar Taluk, Thoothukudi District and transferred the same to the third respondent's name, the petitioner has filed an appeal before the first respondent dated 16.06.2020. But, the said appeal was not considered so far. In such circumstances, the petitioner has come forward with the present Writ Petition.



4. Eventhough the patta stands in the name of the third respondent, as per the orders of the second respondent Tahsildar, the appeal has been preferred by the petitioner herein. Considering the facts and circumstances, the first respondent/RDO is directed to dispose of the appeal dated 16.06.2020 in accordance with law, after hearing the petitioner and necessary parties, within a period of four months from the date of receipt of a copy of this order, as no prejudice is going to be caused to the third respondent by passing this order. In case of issuance of patta, survey needs to be conducted and the said survey shall be photographed and videographed in the presence of the petitioner and necessary parties and the costs of photograph and Videograph to be borne by the party seeking patta. It is made clear that this Court has not decided the rights of the parties in the present Writ Petition. It is open to the respondents to decide the same in accordance with law. The guidelines issued by this Court in W.P.(MD)No.13465 of 2020 dated 05.10.2020 should be followed wherever it is applicable.

5. Without issuing notice to the third respondent, a direction has been issued to the first respondent in this writ petition to consider and pass orders in accordance with law and dispose of the appeal within a period of four months from the date of receipt of a copy of this order. Hence, it is needless to mention that the third respondent shall also to be heard before taking any decision.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1.The Revenue Divisional Officer,  
Kovilpatti Sub Division, Thoothukudi District.

2.The Tahsildar,  
Kayathar Taluk, Thoothukudi District.

+1 CC to M/s.Special Govt.Pleader ( SR-20157[F] dated 15/10/2020 )

**W.P (MD)No.14207 of 2020**  
**13.10.2020**

PJL

SDS (22.10.2020) 2P-4C

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