



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.02.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P. (MD) .No.21316 of 2016

V.Soundarrarajan

.. Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The District Revenue Officer,
Collectorate,
Velunachiyar Valagam,
Dindigul - 4.

3.The Revenue Divisional Officer,
Palani, Dindigul District.

4.The Tahsildar,
Vedasanthur,
Dindigul District.

5.Sakthivel

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings of the 4th respondent in Oo.Mu.4380/2014/A1, dated 22.12.2015 and quash the same and consequently direct the 4th respondent to issue joint patta including the petitioner's name to the properties in S.F.No.1059, 1073/1B, 1074/4, 1083/1B, 1083/2B, 1085/7, 1091/2, 1098/1, 940/2A, 940/1, 940/2 and 1909/4 in patta No.1117, 231, 3320 and 253 of R.Pudukkottai Village, Vedasanthur Taluk, Dindigul District.

For Petitioner	:	Mr.AN.Ramanathan
For Respondents	:	Mr.A.Thiyagarajan for R1 to R4 Government Advocate No Appearance for R5

ORDER

Notice was issued to the fifth respondent and the private notice was also served. Despite the matter is posted today for orders, there is no representation for the fifth respondent.



2. Having regard to the prayer and the nature of order passed by the 4th respondent, this Court is of the view that the writ petition itself can be disposed of.

3. The petitioner's grandfather one A. Karuppanan is the original owner of properties comprised in patta Nos. 1117, 231, 3320 and 253. The petitioner's grandfather died in the year 2001. Going by the Genealogy submitted by the petitioner and the facts that are admitted before the 4th respondent, it is evident that the petitioner is also one of the legal heirs. When the petitioner gave a representation to the 4th respondent to issue joint patta in the name of all the legal heirs of Karuppanan, the said representation was rejected by stating that the petitioner may approach the Civil Court to get any right in the property as legal heir of the original owner.

4. The petitioner's right as a legal heir of original owner is not in dispute. Under Section 10 of the Patta Pass Book Act, the Tahsildar has to transfer or modify the revenue records in favour of all the legal heirs who comes under the class I as per the Hindu Succession Act. The rival claim among the parties cannot be considered.

5. Section 10 of the Patta Pass Book Act reads as follows:

"10. Modification of entries in the patta pass book. - (1) Where any person claims that any modification is required in respect of any entry in the patta pass book already issued under section 3 either by reason of the death of any person or by the reason of the transfer of the land or by reason of any other subsequent change in circumstances, he shall make an application to the Tahsildar for the modification of the relevant entries in the patta pass book.

(2) An application under sub-section (1) shall contain such particulars, as may be prescribed, and shall be accompanied by the documents, if any, relied on by the applicant as evidence in support of his claim.

(3) (a) Before passing an order on an application under sub-section (1), the Tahsildar shall follow such procedure as may be prescribed and shall also give a reasonable opportunity to the parties concerned to make their representations either orally or in writing. If the Tahsildar decides that any modification should be made in respect of entries in the patta passbook, he shall pass an order accordingly and shall make such consequential changes in the patta pass book, as appear to him to



be necessary, for giving effect to his order.

(b) If the Tahsildar decides that there is no case for effecting any modification of the entries in the patta pass book, he shall reject the application.

(c) An order under clause (a) or clause (b) shall contain the reasons for such order and shall be communicated to the parties concerned in such manner as may be prescribed."

6.It is the bounden duty of the Tahsildar to modify entries in the Patta Pass Book Act by including all the legal heirs of the deceased, according to Hindu Succession Act. It is to be seen that the Act does not confer any jurisdiction or authority in favour of the Tahsildar to grant patta only to few of the legal heirs and to say that the entitlement of all the legal heirs is disputed by the other legal heirs.

7.Hence, this writ petition is allowed and the impugned order passed by the fourth respondent is set aside. The Tahsildar is directed to include the name of all the legal heirs of petitioner's grandfather Karuppannan, after verifying the issue whether the petitioner and other people are the only legal heirs of the said Karuppannan. This exercise shall be undertaken by the fourth respondent within a period of four weeks from the date of receipt of a copy of this order. If there is any rival claim by stranger, that may also be considered. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TM

To

1.The District Collector,
District Collector Office,
Sivagangai & District.

2.The Tahsildar,
Kalaiyarkovil Taluk,
Sivagangai District.



3.The Block Development Officer,
Village Panchayat,
Kalaiyarkovil Taluk,
Sivagangai District.

4.The Planning Officer,
Sivagangai District.

+1 CC to SPL.GP (SR-8074[F] dated 25/02/2020)

+1 CC to Mr.AN.RAMANATHAN, Advocate (SR-8168[F] dated 25/02/2020)

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MK (16.03.2020) 4P 7C