

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2021

CORAM:
THE HONOURABLE MR.JUSTICE N.SESHASAYEE

WP.No.1133 of 2021

R.Balakrishnan

...Petitioner

-Vs-

1.The District Collector,
The District Collector Office,
Ranipet - Post & District.

2.The District Revenue Officer,
The District Collector Office,
Ranipet - Post & District.

3.The Tahsildar,
Arakkonam Taluk Office,
Arakkonam - Post,
Ranipet - District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd Respondent to consider the representation dated 16.12.2020 to issue patta for 3.33 acres of lands in survey No.230/1 and 231 situated at No.135 Thandalam-Village, Arakkonam-Taluk, Ranipet District after deleting the entry in patta as Director, Tholir Kalvi Neelaiyam made under the UDR scheme relating to the petitioner's land.

For Petitioner : Mr.D.Veerasekaran

For Respondents : Mr.S.N.Parthasarathi
Government Advocate

ORDER

The petitioner has approached the second respondent for correction of certain entries in the UDR patta with his representation dated 16.12.2020. Earlier, representations were given on 27.05.2015, 29.08.2016, 18.12.2017, following which, an enquiry is stated to have taken place on 29.12.2017. As nothing happened, the petitioner again made a petition under RTI

Act on 08.10.2018 and also made a petition to the Chief Minister's Cell on 13.02.2020 for the same purpose.

2.Mr.S.N.Parthasarathi, learned Government Advocate takes notice for the respondents and made a statement, on instructions, that an enquiry is scheduled to be taken place on 09.02.2021 at 3 p.m. in the Office of the second respondent/DRO.

3.When the matter came up before this Court on 21.01.2021, this Court required the second respondent/DRO to file a report as to why there was a delay in disposing of the representation of the petitioner for effecting mutation in the revenue records as early as on 27.05.2015.

4.When the matter is taken up today, Mr.S.N.Parthasarathi, learned Government Advocate filed a written report stating that the petitioner and three others have settled the property in favour of a certain Sababathy, the founder of Sababathi ITI on 17.01.1985, that sometime in 1992, the same has been revoked by them. This according to them is an unilateral revocation. It is in these circumstances, the revenue official is not able to proceed, since they could not be in touch with the heirs of the said Sababathy.

5.The stated predecament of the Tahsildhar is understandable. At one level, unilateral revocation is not permissible in law if the settlement deed does not grant the settlor the power of revocation or if there are any breach of conditions precedent or subsequent for taking effect of the Gift, then, again the gift can be revoked. The Tahsildhar therefore may be under an impression that unless a settlement deed is cancelled by the decree of the Court, he may not rely on that. However, one principle of law can be clarified, in that. A patta is not considered as a document of title but, it is only an enabling document to identify the land owner from who revenue may be collected. While normally, the title holder is entitled to have the patta registered in his name, the contra need not necessarily be true. However, this depends on the facts and circumstances of each particular case.

6.Given the scenario, this Court directs the second respondent/DRO to dispose of the representation of the petitioner within a period of twelve (12) weeks from the date of receipt of a copy of this order, subject however to such time that may be lost in any responsibility that may be assigned to the second respondent in view of the ensuing General Elections to the State Legislative Assembly-2021.

7.The Writ Petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

Tsg

To

- 1.The District Collector,
The District Collector Office,
Ranipet - Post & District.
- 2.The District Revenue Officer,
The District Collector Office,
Ranipet - Post & District.
- 3.The Tahsildar,
Arakkonam Taluk Office,
Arakkonam - Post,
Ranipet - District.

+1CC to Mr. D.Veerasekaran Advocate, SR No. 8423.

+1CC to The Government Pleader, SR No. 8814.

सत्यमेव जयते

Order made in
W.P.No.1133 of 2021

MG (CO)
NRA (09/03/2021)

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