



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2021

CORAM

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

W.P. No. 10183 of 2018

M.Kandasamy

.. Petitioner

Vs.

1.The District Collector,
Cuddalore Collectorate,
Cuddalore District.

2.The District Revenue Officer,
District Revenue Officer, Taluk Office,
Cuddalore District.

3.The Revenue Divisional Officer,
Revenue Division Office,
Virudachalam,
Cuddalore District.

4.The Tahsildar,
Taluk Office,
Thittakudi, Cuddalore District.

5.Pachiammal

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the fourth respondent to consider and pass order on the petitioner appeal dated 01.02.2018 preferred by the petitioner and cancel the patta issued to the fifth respondent in the land comprising in Survey No.159/2, Thondankuruchi Village, Thittakudi Circle, Cuddalore.

For Petitioner : Ms. T.Dharani

For Respondents 1-4 : Mr. I.Sathish
Additional Government Pleader

5 : Mr. S.S.Senthil Nathan



ORDER

The prayer in this writ petition is only to direct the fourth respondent, the Tahsildar, to consider the petitioner's appeal dated 01.02.2018, to cancel the patta issued to the fifth respondent in respect of the land comprised in Survey No.159/2 in .Thondankuruchi Village, Thittakudi Circle, Cuddalore. However, the learned Additional Government Pleader, on instructions, submits that the petitioner's appeal was considered and disposed of by the Tahsildar on 15.02.2021.

2. Learned counsel appearing for the petitioner and the fifth respondent submit that they are not aware of the proceeding of the Tahsildar and that the writ petition may be heard on merits.

3. From the records, it is seen that the dispute relates to patta. The question raised by the parties is whether patta should be issued in favour of the petitioner or the fifth respondent in respect of a land. The prayer in the writ petition is only for issuing a direction to consider the petitioner's representation / appeal dated 01.02.2018. When the Tahsildar concerned has passed an order on merits, the person affected can either file an appeal if it is passed under the provisions of Tamil Nadu Patta Pass Book Act or approach the Civil Court for declaration as to the title so that modification of entries will follow as per the declaration of Civil Court.

5. Having regard to the facts and circumstances of this case, preserving liberty of the petitioner and the fifth respondent either to challenge the order of the Tahsildar dated 15.02.2021 or to approach the Civil Court for getting a declaration of title, this Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

bkn



To

1. The District Collector,
Cuddalore Collectorate,
Cuddalore District.
2. The District Revenue Officer,
District Revenue Officer, Taluk Office,
Cuddalore District.
3. The Revenue Divisional Officer,
Revenue Division Office,
Virudachalam,
Cuddalore District.
4. The Tahsildar,
Taluk Office,
Thittakudi, Cuddalore District.

+1cc to T.Dharani, Advocate (SR NO.13316)
+1cc to Government Pleader (SR NO.12773)

W.P. No. 10183 of 2018

PCH (CO)
PR (22/07/2021)