



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

W.P.No.12488 of 2021

Azhagirisamy,
S/o.Lingadurai,
Ward No.6, Kollar Street,
Veeraganur Village and Post,
Gangavalli Taluk,
Salem District.

.. Petitioner

-vs-

1. The Revenue Divisional Officer,
Attur Revenue Division Office,
Salem District.

2. The Tahsildar,
Gangavalli Taluk Office,
Salem District.

.. Respondents

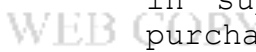
Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 2nd respondent to issue patta to the petitioner in Survey No.319/2, house property measuring to an extent of 924 sq.feet situated at No.6, Kollar Street, Veeraganur Village and Post, Gangavalli Taluk, Salem District and thereby considering the petitioner's representation dated 14.10.2020 within a time stipulated by this Court.

For Petitioner : Mr.D.Dayalan

For Respondents : Dr.S.Suriya,
Government of Tamil Nadu (C.S.)

ORDER

The Writ on hand is filed seeking a direction to the second respondent to issue patta to the petitioner in Survey No.319/2, house property measuring to an extent of 924 sq.feet situated at No.6, Kollar Street, Veeraganur Village and Post, Gangavalli



2.The claim set out by the petitioner in the affidavit filed in support of the writ petition reveals that the petitioner purchased the property from his vendors through Sale Deed dated 01.09.2003. He purchased the said subject property for a consideration of Rs.1,37,500/-. The document was registered in Document No.1326/2003. Along with the Sale Deed, the petitioner made his representation to the respondents on 14.10.2020 through registered post with a request to issue patta in the name of the petitioner. After one month, the petitioner claims that he approached the authorities, but they have not issued any patta. Thus, the petitioner is constrained to move the present writ petition.

4.The Tamil Nadu Patta Passbook Act, 1983 (hereinafter referred to as "the Act") contemplates procedures for issuing a patta to the persons. Any owner of a property can submit an application seeking patta before the competent authority. Section 3 of the Act stipulates "issue of patta passbook". Under Section 3(1) of the Act, the Tahsildar shall issue patta passbook to every owner in respect of land owned by him, on an application made by him in this behalf. Any application received under Section 3(1) shall be acknowledged by the Tahsildar or any other officer authorised by him in this behalf. The Tahsildar has to conduct an enquiry to ascertain the civil rights of a person submitting application seeking patta, if necessary by issuing notice to all the parties concerned and thereafter, pass appropriate orders in the manner known to law. If at all, the petitioner is unable to redress his remedy before the Tahsildar, or no patta has been issued, then Section 12 contemplates "appeal" before such authority as prescribed. Section 12 of the Act stipulates that any person aggrieved by an order made by the Tahsildar may prefer appeal. However, in the present case, the grievance of the petitioner is that no order has been passed. Even in such cases, the relief as such sought for to direct the second respondent to issue patta cannot be



granted by this Court in a writ petition under Article 226 of the Constitution of India.

5.The petitioner has submitted an application seeking patta by way of representation on 14.10.2020. His application is to be considered by the second respondent in the manner prescribed under the provisions of the Act and the petitioner has to wait for his turn for such consideration.

6.The respondents are bound to consider all such applications filed seeking patta under the provisions of the Act in the order of seniority based on the date of application and accordingly, dispose of the same as expeditiously as possible, by affording opportunity to all the parties concerned and by conducting an enquiry in order to ascertain the civil rights of the applicants. In the present case also, the case of the petitioner has to be considered based on his application, by conducting an enquiry and by affording opportunity to all the parties.

7.With the above observations, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

ABR/MAYA

To

1. The Revenue Divisional Officer,
Attur Revenue Division Office,
Salem District.
2. The Tahsildar,
Gangavalli Taluk Office,
Salem District.

+1cc to Mr.D.DAYALAN, Advocate, S.R.No.27683
+1cc to the Government Pleader, S.R.No.27618

W.P.No.12488 of 2021

AD(CO)
BE(16/07/2021)