

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2021

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

Writ Petition No.15746 of 2018

and W.M.P.No. 25576 of 2018

R.Parthiban

...Petitioner

-Vs-

1.The District Collector,
Salem District,
Salem - 636 001.

2. The District Revenue Officer,
Collector's Office,
Salem - 636 001.

3. The Tahsildar,
Valapady Taluk,
Salem District.

4. The Zonal Deputy Tahsildar,
Valapady Taluk,
Salem District.

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to consider the petitioner's representations sent on 20.01.2017 and effect patta transfer in respect of the lands in Suevey No.178/5A, 178/5B and 178/11 in Minnampalli Village, Valapady Taluk, Salem District forthwith.

For Petitioner : Mr.P.Jagadeesan

For Respondents : Mr.N. Inbanathan,
Additional Government Pleader

ORDER

The prayer sought for herein is for a Writ of Mandamus to direct the respondents to consider the petitioner's representations sent on 20.01.2017 and effect patta transfer in respect of the lands in Survey No.178/5A, 178/5B and 178/11 in Minnampalli Village, Valapady Taluk, Salem District forthwith.

2. In respect of the land situated at Survey No. 178/5A, 178/5B and 178/11 in Minnampalli Village, Valapady Taluk, Salem District, patta had been issued. However, there is a mistake in the patta and therefore, in order to correct and rectify the

same, the petitioner had given an application in format to the third respondent dated 01.02.2017 followed by a representation to the first respondent / District Collector dated 20.03.2017. However, neither the application nor the representation has been considered by the third respondent, who is the authority under the Patta Passbook Act to decide this kind of requests. Hence, the petitioner has approached this Court with this writ petition with the aforesaid prayer.

3. Heard Mr.P.Jagadeesan, learned counsel appearing for the petitioner, who, after reiterating the aforesaid facts would submit that, if a direction is given to the respondents especially the third respondent to act upon the application made by the petitioner in this regard, and the needful is done after giving an opportunity of being heard, within a time frame, the petitioner would be satisfied.

4. Heard Mr.N.Inbanathan, learned Additional Government Pleader, who would submit that, if the said application dated 01.02.2017 followed by a representation dated 20.03.2017 are not so far considered by the respondents, especially the third respondent, certainly that would be considered and orders would be passed, of course, after giving due opportunity of being heard to the petitioner, and final orders would be passed within a time frame that may be stipulated by this Court.

5. Considering the said submissions made by the learned counsel appearing for both sides, and the materials placed on record, this Court is inclined to dispose of this writ petition with the following order.

6. That there shall be a direction to the third respondent Tahsildar to act upon and decide the application submitted by the petitioner dated 01.02.2017 followed by the representation dated 20.03.2017 in respect of the rectification of the patta issued for the subject land, as has been quoted herein above, and after giving an opportunity of being heard to the petitioner, the needful shall be done and final orders shall be passed within a period of twelve weeks from the date of receipt of a copy of this order. With these directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

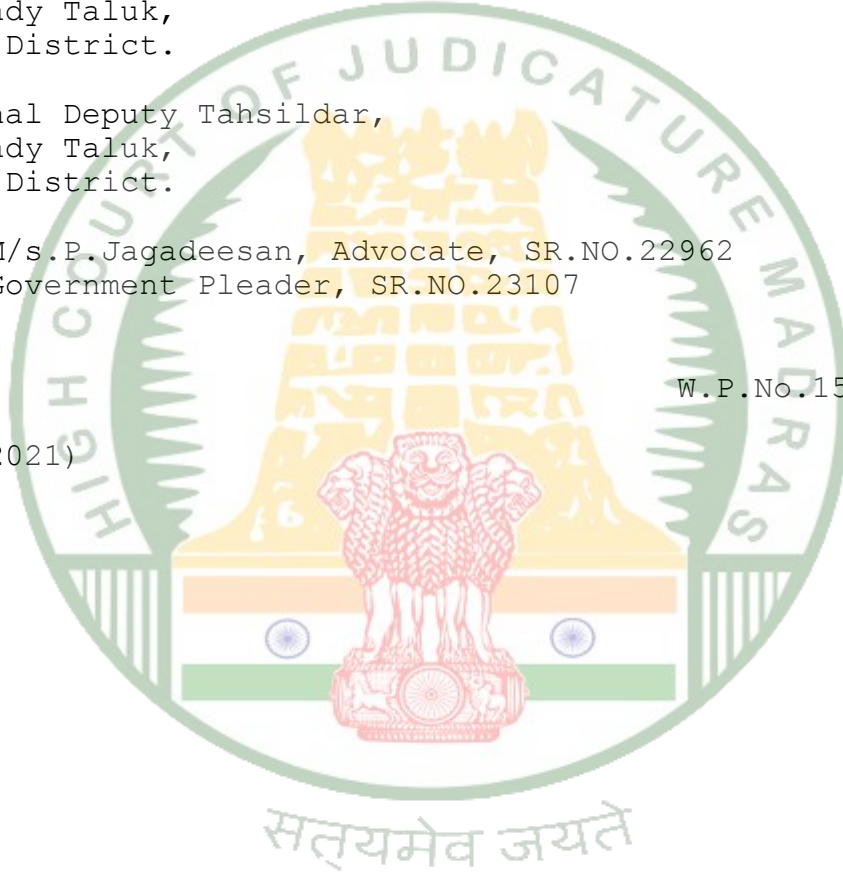
KST
To

- 1.The District Collector,
Salem District,
Salem - 636 001.
2. The District Revenue Officer,
Collector's Office,
Salem - 636 001.
3. The Tahsildar,
Valapady Taluk,
Salem District.
4. The Zonal Deputy Tahsildar,
Valapady Taluk,
Salem District.

+1 cc to M/s.P.Jagadeesan, Advocate, SR.NO.22962
+1 cc to Government Pleader, SR.NO.23107

W.P.No.15746 of 2018

PL (CO)
NS (04/05/2021)



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