

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2021

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

Writ Petition No.28516 of 2018

Sivaprakasam

...Petitioner

-Vs-

1.The District Revenue Officer
Villupuram District, Villupuram.

2.Dhandapani

3.Kandasamy

4.Gnanapandithan

5.Rajendran

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the first respondent to consider and pass orders based on the representation of the petitioner dated 30.09.2018 in accordance with law.

For Petitioner : Mr.M.Velmurugan

For Respondents : Mr.N.Inbanathan
Additional Government Pleader

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the first respondent to consider and pass orders based on the representation of the petitioner dated 30.09.2018 in accordance with law.

2. The case of the petitioner is that the petitioner's brother one Nataraja Udayar has died as a bachelor and therefore the property in question situated at S.No.61/5 to the extent of 0.4.00 Ares ie., 10 cents at Varancharam Village, Kallakurichi Taluk, Villupuram District belonging to him has been inherited by the petitioner as his legal heir. However, the said land has been included in the joint patta issued to the private persons in Patta No.143 of the said revenue village, as if that belongs to the private persons ie., respondents 2 to 5.

3. In order to rectify the same and to remove the name of the private respondents and to include the name of the petitioner in the patta and for re-issuing the same, the petitioner has given a representation to the first respondent on 30.09.2018. However, the same since has not been considered, he has approached this Court with the aforesaid prayer.

4. Heard Mr.Velmurugan, learned counsel appearing for the petitioner, who has reiterated the aforesaid facts and seeks the indulgence of this Court to give a direction to the first respondent and his subordinates to act upon on the representation of the petitioner dated 30.09.2018 for rectification of the mistake said to have been occurred in the joint patta issued in the name of the private respondents.

5. On the other hand, Mr.N.Inbanathan, learned Additional Government Pleader appearing for the official respondents would submit that, first of all the issuance of patta or deletion of the name is the job of the Tahsildar concerned and since the Tahsildar has not been named here as one of the party respondents, no direction can be given to the first respondent, who is the District Revenue Officer, who is none other than the appellate authority under the provisions of the Patta Passbook Act.

6. Nevertheless, since the issue raised by the petitioner is in between the petitioner and the private respondents and in this regard, a representation has also been given dated 30.09.2018 to the first respondent, the same would be forwarded by the first respondent to the Tahsildar concerned, who in turn would decide the issue, after giving notice to the petitioner as well as the private respondents and accordingly a decision would be taken and final orders would be passed on merits and in accordance with law within a time frame.

7. I have considered the submissions made by the learned counsel for the petitioner and the learned Additional Government Pleader and have perused the materials placed on record.

8. The petitioner has given a representation dated 30.09.2018 to rectify the alleged mistake occurred in the joint patta issued in the name of the private respondents, in respect of the property, which is claimed to be the property of the brother of the petitioner, which has been inherited by the petitioner after his demise, and since the same has not been considered so far by the first respondent, it can be considered by the Tahsildar concerned to whom the representation can be forwarded by the first respondent.

9. Accordingly, this Court is inclined to dispose of this writ petition with the following order. That there shall be a direction to the first respondent to consider the representation of the petitioner dated 30.09.2018 and accordingly if he desires so, shall forward the same to the Tahsildar concerned or any Tahsildar in whose jurisdiction the land in question comes for appropriate action, after giving an opportunity of hearing to both the petitioner as well as the private respondents herein. The needful as indicated above shall be undertaken by the first respondent and his subordinates including the Tahsildar concerned, within a outer time limit of three months from the date of receipt of a copy of this order. It is also made clear that an advance copy of the representation dated 30.09.2018 along with a copy of this order can be forwarded by the petitioner to the Tahsildar concerned enabling the Tahsildar to do the needful as indicated above apart from the same being forwarded by the first respondent, as indicated above.

10. With the above directions, this writ petition is disposed of. No costs.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

KST

To

The District Revenue Officer
Villupuram District, Villupuram.

+1 CC to The Government Pleader sr 23661.

W.P.No.28516 of 2018

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