



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P (MD)No.14345 of 2021

WEB COPY

Muthiah

... Petitioner

Vs.

1.The Tahsildar,
Dindigul West Taluk,
Dindigul.

2.Govindammal

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's representation, dated 19.07.2021 and to modify the entry from 2nd respondent to his name in the Patta.

For Petitioner	:	Mr.J.Anandkumar
For R1	:	Mr.R.Baskaran
		Counsel for State.

ORDER

The petitioner seeks the cancellation of the patta in the name of the second respondent and for the issuance thereof to the petitioner.

2. The petitioner asserts that he is the absolute owner of the land in Survey Nos.14/3 and 16/6 at Palaya Kannivadi, Dharmathupatti, Dindigul District.

3. The petitioner states that the property was originally purchased by one Chellammal by a registered sale deed dated 01.10.1982. The said Chellamal died issueless and, after her death, her husband executed a registered sale deed dated 27.10.1983 in favour of the petitioner.

4. It is alleged by the petitioner that he is in possession and enjoyment of the property, but that the patta had been unlawfully issued to the second respondent, namely, Govindammal. In these circumstances, he applied for mutation of patta under representation dated 19.07.2021. On account of the failure of the Tahsildar to take action thereon, the present writ



petition is filed.

5. Mr.R.Baskaran, learned Counsel for the State, accepts notice on behalf of the first respondent.

6. The petitioner has enclosed Patta No.289 in respect of the property in dispute in the present matter. Such patta is in the name of Govindammal, the second respondent herein. Section 10 of the Tamil Nadu Patta Pass Book Act, 1983, enables the Tahsildar to mutate a patta in the event of the death of the previous pattathar or in the event of a transfer of interest in the property by the previous pattathar to the applicant. The said provision does not enable the Tahsildar to cancel a patta that was issued to a person on the ground that such patta had been erroneously or unlawfully issued. For such purpose, the person aggrieved should approach the jurisdictional Revenue Divisional Officer in accordance with law. Therefore, the present writ petition is liable to be dismissed.

7. Learned Counsel for the petitioner contends that a cancellation of patta can be effected by the Tahsildar under Section 10 of the Tamil Nadu Patta Pass Book Act, 1983, in as much as it is only a modification of the patta. A Division Bench of this Court in ***Vishwas Footwear Company Limited Vs the District Collector, Kancheepuram 2011 (5) CTC 94*** considered the scope and ambit of Section 10 of the Tamil Nadu Patta Pass Book Act, 1983 and held that the Tahsildar cannot cancel a patta and that such jurisdiction to cancel the patta is vested in the jurisdictional Revenue Divisional Officer.

8. Accordingly, W.P.(MD).No.14345 of 2021 is dismissed without any order as to costs. However, it will be open to the petitioner to approach the jurisdictional Revenue Divisional Officer in accordance with law for the cancellation of the patta in favour of the second respondent herein.

Sd/-

Assistant Registrar (P&A)

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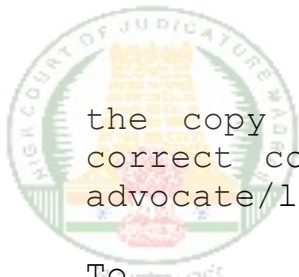
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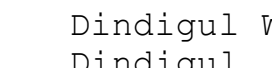
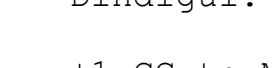
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the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To 
To 
To 

The Tahsildar,
Dindigul West Taluk,
Dindigul.

+1 CC to M/s.SPL GP (SR-26517[F] dated 17/08/2021)

W.P (MD) No.14345 of 2021
16.08.2021

PS (CO)
SB (27.08.2021) 3P 3C