



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2021

CORAM

THE HON'BLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P. (MD) No.14866 of 2021

M.S.Saibudeen

... Petitioner

Vs.

1.The Tahsildar,
Pattukottai Taluk Office,
Pattukottai Taluk,
Thanjavur District.

2. Revathi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent herein to dispose the petitioner's Application dated 01.07.2021 pertaining to modification of Patta stands in the name of the second respondent measuring an extent of 5 cents in respect of his landed property comprised in S.No.347, Rasiyangadu Village, Thamarankottai North, Pattukottai Taluk, Thanjavur District after affording opportunity to the second respondent within time stipulated by this Hon'ble Court.

For Petitioner : Mr. J.Lawrance
For Respondents : Mr.P.Subbaraj
Counsel for State - For R1

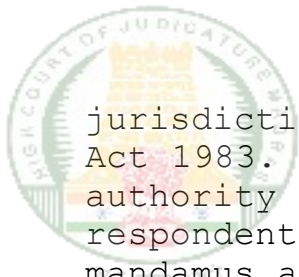
O R D E R

The petitioner seeks a direction to the Thasildar, Pattukottai Taluk Office to dispose of his application dated 01.07.2021 for modification of the patta in the name of the second respondent

2. The petitioner states that a patta was issued in favour of the second respondent although the said respondent has no right, title or interest in respect of property measuring 5 cents in Survey No.347, Rasiyangadu Village, Thamarankottai North, Pattukottai Taluk, Thanjavur District. The present writ petition is filed because the petitioner's application has not been disposed of till date.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the first respondent.

4. Once a patta is issued in favour of a rival claimant, the power of cancellation to cancel such patta is vested with the
<https://hcservices.courts.gov.in/services/>



jurisdictional Revenue Divisional Officer under the Patta Passbook Act 1983. Therefore, the first respondent herein does not have the authority to cancel the patta in the name of the second respondent. Consequently, no purpose would be served by issuing a mandamus as prayed for in the present writ petition.

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5. For the reasons stated above, W.P.(MD).No.14866 of 2021 is dismissed without any order as to costs. However, it is open to the petitioner to institute appropriate proceedings before the jurisdictional Revenue Divisional Officer so as to seek cancelation of the patta issued to the second respondent herein.

Sd/-

Assistant Registrar (CS II)

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/ /2021

Sub Assistant Registrar(CS)

sbn

To

The Tahsildar,
Pattukottai Taluk Office,
Pattukottai Taluk,
Thanjavur District.

+1 CC to M/s.SPL GP (SR-27032[F] dated 24/08/2021)

+1 CC to M/s.J.LAWRANCE, Advocate (SR-27120[F] dated 24/08/2021)

W.P. (MD) .No.14866 of 2021
23.08.2021

SR(CO)
SB(01.09.2021) 2P 4C