



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.15286 of 2021

WEB COPY

Lakshmanan

... Petitioner

Vs.

1.The Tahsildar,
Kulithalai Taluk,
Kulithalai, Karur District.

2.T.Thangaraj

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent to delete the wrong entries and issue proper patta in the name of petitioner for the property comprised in Karur District, Kulithalai Taluk, Vaigainallur South Village, Survey No.504/4, having an extent of Hectare 0.78.50 ares, bearing Patta No.1813.

For Petitioner : Mr.R.Murali

For R-1 : Mr.R.Baskaran

Counsel for State

ORDER

The petitioner seeks cancellation of the patta issued jointly to the petitioner and the second respondent, and for issuance of a separate patta in the name of the petitioner in respect of the land bearing Survey No.504/4 admeasuring 0.78.50 ares.

2. The petitioner states that he purchased the aforesaid property under a sale deed dated 10.03.2003 from one Maruthu. Such sale deed was registered as Document No.343 of 2003 on the file of the Sub Registrar, Kulithalai. Thereafter, he obtained Patta No.1813 in respect thereof. However, such patta was issued in the names of Maruthai, Thangaraj and the petitioner herein. Thereafter the petitioner submitted a representation dated 29.10.2018 to the first respondent herein and has filed the present Writ Petition on account of the failure of the said respondent to take action thereon.

3. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of the first respondent. He submits that the



Patta Passbook Act, 1983. Such authority is vested in the jurisdictional Revenue Divisional Officer.

4. The documents on record include the sale deed in favour of the petitioner, Patta No.1813 issued in the year 2015, which reflects the names of Maruthai, Lakhsmanan, Thangaraj. The petitioner has also enclosed a subsequent patta dated 22.11.2018, which contains the names of Maruthai, Lakshmanan, Thangaraj, Periyasamy and Baskaran. Consequently, all the joint pattadhars would have to be heard before a decision is taken in the matter. As correctly pointed out by learned counsel for the State, the authority to cancel a patta is vested in the jurisdictional Revenue Divisional Officer and not in the Tahsildar.

5. In the aforesaid facts and circumstances, the petitioner is permitted to file an appeal before the Revenue Divisional Officer concerned. All the joint pattadhars shall be joined as parties to such appeal. Such appeal shall be presented within a period of two (2) weeks from the date of receipt of a copy of this order. Upon receipt thereof, the Revenue Divisional Officer shall consider and dispose of the same by a reasoned order within a period of four (4) months from the date of receipt thereof. Such reasoned order shall be issued after providing a reasonable opportunity to the petitioner, the second respondent herein, the other joint pattadhars and any other person having an interest in the property.

6. Accordingly, W.P.(MD).No.15286 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To
The Tahsildar,
Kulithalai Taluk,
Kulithalai, Karur District.

WEB COPY

+1 CC to M/s.R.MURALI, Advocate (SR-27611[F] dated 31/08/2021)

+1 CC to M/s.SPL GP (SR-27622[F] dated 31/08/2021)

W.P (MD) No.15286 of 2021
27.08.2021

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