BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 29.09.2021
CORAM
THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.17532 of 2021

Mayalagu ... Petitioner

Vs.

The District Revenue Officer,
O/o District Revenue Office,
Sivagangai,
Sivagangai Taluk,
Sivagangai District. ... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondent to dispose his proceedings in Na.Ka.No.P3 19319/2021 dated 30.07.2021 within a stipulated period as stipulated by this Court.

For Petitioner : Mr.T.Kumar
For Respondent : Mr.P.Subbaraj,
Counsel for the State

O R D E R

The petitioner seeks the early disposal of proceedings bearing Na.Ka.P3.19319/2021 dated 30.07.2021, which are said to be pending before the sole respondent.

2. The petitioner states that he purchased a property in the year 1975 by registered sale deed along with two others. However, it is stated that his brother, Solaimalai, has obtained a patta in his name. Therefore, the petitioner approached the respondent for cancellation of such patta. The present writ petition is filed for the early disposal of such petition.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the sole respondent. He submits that the appropriate authority to consider an appeal seeking cancellation of patta is the jurisdictional Revenue Divisional Officer.

4. Under the Tamil Nadu Patta Passbook Act 1983, an appeal lies to the jurisdictional Revenue Divisional Officer against an order of the Tahsildar either refusing to issue a patta or issuing a patta in the name of the allegedly wrong person. In this case, the petitioner appears to have *bona fide* but wrongly approached the District Revenue Officer. Therefore, the petitioner is permitted to submit a

fresh appeal before the jurisdictional Revenue Divisional Officer.

5. Accordingly, without entering any findings on the merits of the matter, the petitioner is permitted to submit an appeal to the jurisdictional Revenue Divisional Officer within a period of two weeks from the date of receipt of a copy of this order. Upon receipt thereof, the Revenue Divisional Officer is directed to conduct an inquiry by providing a reasonable opportunity to the petitioner, his brother Solaimalai and any other person with an interest in the relevant property. Such inquiry shall be concluded by way of a reasoned order within a period of three months from the date of receipt of such appeal.

6. W.P(MD).No.17532 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Pkn

To

The District Revenue Officer,
O/o District Revenue Office,
Sivagangai,
Sivagangai Taluk,
Sivagangai District.

+1 CC to M/s.SPL.GP (SR-30723[F] dated 30/09/2021)

W.P.(MD)No.17532 of 2021
29.09.2021

RD(12.10.2021) 2P 3C