



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2021

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.18499 of 2021

and

W.M.P. (MD) .No.15266 of 2021

Vijayalakshmi

... Petitioner

Vs.

1.The Tahsildar,
Taluk Office,
Kadaiyanallur Taluk,
Tenkasi District.

2.The Taluk Surveyor,
Taluk Survey Office,
Kadaiyanallur Taluk,
Tenkasi District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the first respondent in Na.Ka.Aa3/3007/2021 dated 31.08.2021 and quash the same as illegal and consequently directing the respondents herein to issue a patta to the petitioner in respect of the Nanja land comprised in Survey No.164/2 to an extent of 3193.35Sq.ft (296.67 Sq.mt) out of 1 Acre 19 Cents, situated at Ward No.9, Kadaiyanallur Municipality, Krishnapuram Village, Kadaiyanallur Taluk, Tenkasi District by scrutinizing the petitioner's Application No.2020/0154/34/000760 on 01.09.2020 in accordance with law, within time stipulated by this Hon'ble Court.

For Petitioner : Mr.D.Balamuruganpandi

For Respondents : Mr.P.Subbaraj
Counsel for State



ORDER

The petitioner assails an order dated 31.08.2021 of the first respondent and consequently seeks issuance of a patta in respect of the land bearing Survey No.164/2 of an extent of 3193.35 Square feet at Ward No.9, Kadaiyanallur Municipality, Krishnapuram Village, Kadaiyanallur Taluk, Tenkasi District.

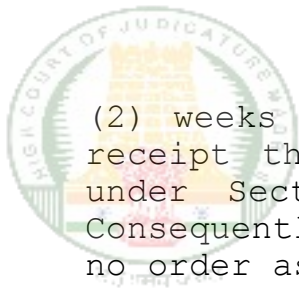
2. The petitioner claims title to the above mentioned property under a settlement deed dated 10.10.2018, bearing Document No.4115/2018, which was executed by her mother in her favour. The petitioner states that the said property had been purchased by her mother under Document No.2143/2001. After the registration of the settlement deed, the petitioner applied for patta. The respondents called upon the petitioner to carry out rectification in the settlement deed and such rectification was carried out. However, the petitioner states that patta was not granted. Therefore, the petitioner filed W.P.(MD).No.15454 of 2021. The said Writ Petition was disposed of by order dated 01.09.2021 in view of the submissions of the State that the petitioner's request had been rejected by communication dated 31.08.2021. The petitioner states that the communication dated 31.08.2021 was not served on the petitioner. Therefore, the present Writ Petition is filed on the basis of the communication produced before the Court and addressed to learned counsel for the State.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of both the respondents. On instructions, he submits that the respondents will serve the letter of rejection on the petitioner within a period of two (2) weeks from the date of receipt of a copy of this order. It is also pointed out that the order of the Tahsildar is appellable before the jurisdictional Revenue Divisional Officer.

4. The petitioner challenges an order by which her request for sub-division and separate patta was rejected. On account of the failure of the respondents to serve the relevant order on the petitioner, the present Writ Petition assails a communication to learned counsel for the State. Learned counsel for the State, however, states that the relevant order of rejection would be served on the petitioner within a period of two (2) weeks.

5. An order of the Tahsildar by which a request for patta is rejected is appellable under Section 12 of the Tamil Nadu Patta Passbook Act, 1983. Therefore, the petitioner should avail of the statutory remedy. For such purpose, it is necessary that the relevant order of rejection be served on the petitioner.

6. Accordingly, W.P.(MD).No.18499 of 2021 is disposed of by directing the respondents to serve a copy of the order of rejection on the Tahsildar on the petitioner within a period of two



(2) weeks from the date of receipt of a copy of this order. Upon receipt thereof, it is open to the petitioner to file an appeal under Section 12 of the Tamil Nadu Patta Passbook Act, 1983. Consequently, W.M.P.(MD).No.15266 of 2021 is closed. There will be no order as to costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/nsr

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

1.The Tahsildar,
Taluk Office,
Kadaiyanallur Taluk,
Tenkasi District.

2.The Taluk Surveyor,
Taluk Survey Office,
Kadaiyanallur Taluk,
Tenkasi District.

+1 CC to M/s.D.BALAMURUGAPANDI, Advocate (SR-32108[F] dated 21/10/2021)

+1 CC to M/s.SPL.GP (SR-32232[F] dated 22/10/2021)

**W.P (MD) No.18499 of 2021
21.10.2021**

RD/JGB(29.10.2021) 3P 5C