



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.18902 of 2021

Kandasamy Madurar

... Petitioner

Vs.

1.The Zonal Deputy Tahsildar,
Orathanadu,
Tanjore District.

2.Mariammal
3.Veeramuthu
4.Selvakumar

5.The Revenue Divisional Officer,
Revenue Divisional Office,
Thanjavur.

(Respondent No.5 *suo motu* impleaded as per order of this Court dated 26.10.2021 in this WP(MD)No.18902/2021)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the first respondent herein to dispose of the proceedings in N.K.No.2124/2021/A7 pending on his file at the earliest within the time frame as may be fixed by this Court.

For Petitioner : Mr.R.Sundar Srinivasan
For R-1 & R-5 : Mr.P.Subbaraj,
Counsel for State.

ORDER

The petitioner seeks a direction to the first respondent to dispose of the proceedings bearing Na.Ka.No.2124/2021/A7 at the earliest.

2.The petitioner claims title to 10 Cents of land in Survey No.383/11 in Aambalapattu Vadapathi Village, Orathanadu Taluk under a registered sale deed dated 10.12.1970. According to the petitioner, from the date of purchase thereof, the petitioner is in possession and enjoyment of the said property. One Appadurai, the father of respondents 2 to 4, filed O.S.No.105 of 1979 on the file of the District Munsif, Pattukottai seeking declaration of title in respect of 5 Cents out of the above mentioned 10 Cents. The said suit was dismissed by judgment and decree dated 12.03.1985. A.S.No.33/1986, which was filed by the said Appadurai assailing the



judgment and decree, was also dismissed on 31.03.1987. The petitioner asserts that no second appeal was filed in respect thereof.

3.In these facts and circumstances, the petitioner submitted a representation dated 12.11.2020 to the jurisdictional Revenue Divisional Officer seeking the cancellation of the joint patta and for issuance of a patta in the name of the petitioner in respect of the entire 10 Cents in Survey No.383/11. The present Writ Petition is filed seeking the early disposal of the said petition.

4.The petitioner has enclosed a copy of the judgment and decree in O.S.No.105/1979 as well as the decree in A.S.No.33 of 1986. While the petitioner asserts that no second appeal was filed by the said Appadurai or his legal heirs, the said Appadurai or his legal heirs should be put on notice before any decision is taken in this regard. Given the limited scope of the present proceedings, it is not necessary to enter any findings on the merits of the petitioner's claim.

5.The authority to cancel a patta is vested on the jurisdictional Revenue Divisional Officer under the Tamil Nadu Patta Passbook Act, 1983. Although the said Revenue Divisional Officer has not been made a party to this proceeding, the said Revenue Divisional Officer is a necessary party. Accordingly, the Revenue Divisional Officer, Revenue Divisional Office, Thanjavur is *suo motu* impleaded as the fifth respondent to this petition.

6.In the above facts and circumstances, the Zonal Deputy Tahsildar and the Revenue Divisional Officer are directed to consider the petitioner's petition bearing Na.Ka.No.2124/2021/A7 and pass a reasoned order thereon after providing a reasonable opportunity to the petitioner, respondents 2 to 4 herein and the joint pattadhars in respect of the property bearing Survey No.383/11. Such reasoned order shall be issued within a period of three (3) months from the date of receipt of a copy of this order. On account of the fact that the merits of the matter have not been gone into, the Writ Petition is disposed of without notice to the private respondents. There will be no order as to costs.

Sd/-

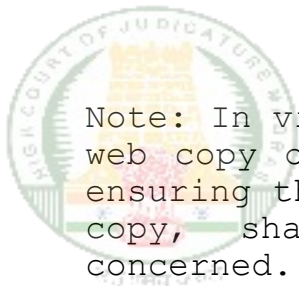
Assistant Registrar (Records)

// 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.

WEB COPY

1.The Zonal Deputy Tahsildar,
Orathanadu,
Tanjore District.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Thanjavur.

+1 CC to M/s.R.SUNDAR SRINIVASAN, Advocate (SR-32651[F] dated 26/10/2021)

+1 CC to M/s.SPL.GP (SR-32850[F] dated 27/10/2021)

W.P (MD) No.18902 of 2021
26.10.2021

PK (CO)
RS/PM (10.11.2021) 3P 5C