



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.6262 of 2022

J.Isaac

... Petitioner

vs.

1.The District Collector,
Ranipet, Ranipet District.

2.The Revenue Divisional Officer,
Arakkonam,
Ranipet District.

3.J.Sargunam

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 2nd respondent to consider the petitioner's representation dated 31.01.2022 for cancellation of patta bearing No.152 issued in favour of Sargunam 3rd Respondent herein and issue joint patta to all the names.

For Petitioner : Mr.V.Nithyanandam

For Respondents: Mr.R.Sathish
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the 2nd respondent to consider the petitioner's representation dated 31.01.2022 for cancellation of patta bearing No.152 issued in favour of Sargunam and issue joint patta in the name of the petitioner and other legal heirs.

2. The case of the petitioner is that property in S.No.65/6, ad-measuring of an extent of 91 cents, situated at Kilpakkam Village, originally belonged to one Nagomi i.e., grandmother of the petitioner. Thereafter, the said Nagomi died



leaving behind the petitioner and other legal heirs. While that being so, one Sargunam, one of the legal heirs of said Nagomi, with a mala-fide intention, had obtained patta in his favour, issued by the then Tahsildar. The said property was an undivided family share, the petitioner made a representation dated 31.01.2022 to the 2nd respondent for cancellation of patta, which was obtained by said Sargunam and to issue joint patta in favour of the petitioner and other legal heirs. Since the 2nd respondent has not acceded to the said representation of the petitioner, he has come up before this Court by filing the present Writ Petition.

3. The learned counsel for the petitioner submits that, it would suffice if this Court issues direction to the 2nd respondent to consider the representation of the petitioner dated 31.01.2022 and dispose of the same on merits and in accordance with law, within a time frame that may be fixed by this Court.

4. The learned Additional Government Pleader appearing for respondents, has no objection for the said direction being passed.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. On a perusal of the provisions of the Tamil Nadu Patta Passbook Act, 1983, it is seen that as per Section 10(1), where any person claims that any modification is required in respect of any entry in the Patta Passbook already issued under Section 3, either by reason of the death of any person or by the reason of the transfer of interest in the land or by reason of any other subsequent change in circumstances, he shall file an application before the Tahsildar for modification of relevant entries in the Patta passbook. However, in the present case, the petitioner claims that his brother's name was wrongly entered in the Revenue records, which requires to be corrected. However, it is to be pointed out that as against the said rejection the remedy of the petitioner lies by way of application before the Tahsildar and not before this Court under Article 226, as without exhausting the said remedy, the petitioner cannot come before this Court. Hence the petitioner has to prefer an application before the Tahsildar under Section 10 of the Tamil Nadu Patta Passbook Act, 1983.

7. In view of the above provision of law and taking into consideration the facts and circumstances of the case, this Court



directs the petitioner to prefer an application before the Thasildar for cancellation of Patta already issued in favour of Sargunam along with a copy of this order, within a period of two weeks from the date of receipt of a copy of this order and if such application is filed, the concerned Thasildar is directed to pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as the aggrieved party, including the said Sargunam, within a period of 12 weeks thereon.

8. This writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

rap/sk

To

1. The District Collector,
Ranipet, Ranipet District.
2. The Revenue Divisional Officer,
Arakkonam,
Ranipet District.

Copy to: The Thasildar,
Ranipet, Ranipet District.

+1cc to Mr.V.Nithyanandan, Advocate SR.No.18745
+1cc to the Government Pleader, SR.No.18816

W.P.No.6262 of 2022

PMK(CO)
CB(21/04/2022)