



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.8807 of 2022

Ruckmani

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Tiruppur.

2. The Tahsildar,
Tiruppur South Taluk,
Tiruppur.

3. Thangamani

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent herein to consider and pass orders on the appeal dated 11.02.2021 filed by the petitioner for cancelling the name of the third respondent in Patta Nos.1594 in respect of the petitioner's lands measuring 0.75.00 hectares, 0.86.00 hectares, 1.50.00 hectares and 0.17.00 hectares in S.F.Nos.309/1A, 305/3, 313/2A, 313/2C and 307/1 respectively situate at Alagumalai Village, Tiruppur South Taluk, Tiruppur District.

For petitioner : Mr.K.Govi Ganesan

For Respondents : Mr.R.P.Murugan Raja
Government Advocate

ORDER

The petitioner has filed this petition seeking direction to the first respondent herein to consider and pass orders on the appeal dated 11.02.2021 filed by the petitioner for cancelling the name of the third respondent in Patta Nos.1594 in respect of the petitioner's lands measuring 0.75.00 hectares, 0.86.00 hectares, 1.50.00 hectares and 0.17.00 hectares in S.F.Nos.309/1A, 305/3, 313/2A, 313/2C and 307/1 respectively



situate at Alagumalai Village, Tiruppur South Taluk, Tiruppur District.

2. Mr.R.P.Murugan Raja, learned Government Advocate takes notice for the first and second respondents. In view of the limited relief sought for in this petition and on the consent expressed by the learned counsel appearing on either side, this petition is taken up for final disposal.

3.Since, no adverse order being passed against the third respondent, notice to the third respondent is dispensed with.

4. The case of the petitioner is that the petitioner is the owner of the property in S.Nos.309/1A, 305/3, 313/2A, 313/2C and 307/1, measuring an extent of 0.75.00 hectares, 0.86.00 hectares, 1.50.00 hectares and 0.17.00 hectares, situated at Alagumalai Village, Tiruppur Taluk, Tiruppur District, and obtained Patta bearing No.1594. However, without knowledge of the petitioner the private respondent herein was included her name in the said Patta. Challenging the same, the petitioner made an appeal before the first respondent on 11.02.2021 to remove the name of third respondent and to restore the patta in favour of the petitioner. However, till date no action has been taken by the first respondent on the representation made by the petitioner. Hence, the present Writ Petition has been filed by the petitioner for the above relief.

5. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court directs the first respondent to consider the petitioner's representation dated 11.02.2021 within the time frame that may be fixed by this Court.

6. The learned Government Advocate appearing for the respondents submits that though the petitioner claimed to made appeal before the first respondent, however, an alternative remedy available to the petitioner to file an application before the Tahsildar under Section 10 of the Patta Passbook Act, for cancellation of Patta.

7. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, permits the petitioner to file an application before the Tahsildar within a period of two weeks from the date of receipt of a copy of this



order, if such an application is filed, the Tahsildar is directed to pass appropriate orders within a period of twelve weeks, after affording an opportunity to the third respondent.

WEB COPY

8. Accordingly, this writ petition is disposed of with the aforesaid direction. No costs.

Sd/-
Assistant Registrar(CS III)

/True Copy//

Sub Assistant Registrar

tri/mn

To

1. The Revenue Divisional Officer,
Tiruppur.
2. The Tahsildar,
Tiruppur South Taluk,
Tiruppur.

+1cc to Mr.K.Govi Ganesan, Advocate, S.R.No.24715
+1cc to the Government Pleader, S.R.No.24664

W.P.No.8807 of 2022

GMR[co]
NSK 26/04/2022