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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2022

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.8260 OF 2022
AND
W.M.P.NO.8248 OF 2022

P.Sankaran

... Petitioner

Vs

1. The Sub Collector,
   Villupuram District,
   Jaggampettai,
   Tindivanam-604 001.

2. The Revenue Inspector,
   Gingee Taluk,
   Gingee-604 505.

3. The Sub-Registrar,
   Office of the Sub-Registrar,
   Gingee, Villupuram District.

4. N.Namadevan,

5. Mani

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st and 2nd respondents to complete the enquiry within the stipulated time and pass appropriate orders based on the petitioner representation dated 02.03.2021 and consequently direct the 4th and 5th respondents not to encumber the 11 cents of land comprised in survey No.19/3C2 purchased by petitioner under a registered sale deed dated 19.07.1974 bearing document No.;1374 of 1974 at Jayankondan Village, Gingee Taluk, Viluppuram District.

For Petitioner ... Mr.M.Vijay Anand

For Respondents ... Mr.R.Vigneswaran,
Government Advocate.

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O R D E R

Since, the representation made by the petitioner has not been considered, the present petition has been filed seeking certain reliefs.

2. Mr. R. Vigneswaran, learned Government Advocate takes notice for respondents 1 to 3.

3. Since, no adverse order is being passed against respondents 4 & 5, notice to respondents 4 & 5 is dispensed with.

4. It is the case of the petitioner that the petitioner had purchased the property comprised in Survey No.19/3C in Jayankondan Village, Vilupuram Taluk from his mother by way of a registered sale deed dated 19.07.1974 bearing document No.1374 of 1974. The petitioner, in order to alienate the aforesaid property to his legal heirs, had made a representation dated 02.03.2021 to the 1st respondent for issuance of patta in respect of the said property. However, till date, the same has not been considered. Hence, the present petition has been filed seeking the aforesaid relief.

5. Learned counsel for the petitioner submits that though the petitioner has made to the 1st respondent for issuance of patta, however, the competent authority to issue patta is the Tahsildar, the petitioner may be permitted to make appropriate application before the Jurisdictional Tahsildar for issuance of patta.

6. Learned Government Advocate appearing for the respondents 1 to 3 has no objection to the said order being passed.

7. In view of the limited made by the learned counsel for the petitioner, this Court without going into the merits of the case, permits the petitioner to make appropriate application before the Jurisdiction Tahsildar in terms of Section 3 of the Patta Passbook Act, within a period of two weeks from the date of receipt of a copy of this order. If any such application is filed, the Jurisdictional Tahsildar is directed to pass appropriate orders on the same in accordance with law, after providing an opportunity of personal hearing to to the petitioner as well as the respondents 4 & 5, within a period of twelve weeks thereafter.

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8. Accordingly, this Writ Petition is disposed of with the aforesaid direction. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(L.A)

//True Copy//

Sub Assistant Registrar

NHS

To

1. The Sub Collector,
Villupuram District,
Jaggampettai,
Tindivanam-604 001.

2. The Revenue Inspector,
Gingee Taluk,
Gingee-604 505.

3. The Sub-Registrar,
Office of the Sub-Registrar,
Gingee, Villupuram District.

4. The Tahsildar,
Gingee Taluk,
Gingee – 604 505,
Viluppuram District.

+1cc to Mr.M.Vijay Anand, Advocate, S.R.No.23276

+1cc to the Government Pleader, S.R.No.23812

W.P.No.8260 of 2022

PM(CO)
RLP(27/04/2022)

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