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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.9192 of 2022

Ramesh

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Tiruppur.
2. The Tahsildar,
Tiruppur South Taluk,
Tiruppur.
3. Thangamani
4. Baby
5. Savithiri
6. Deivathal

... 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 04.03.2022 filed by the petitioner for cancelling the names of the respondents 3 to 6 herein in Patta Nos.2294 and 2295 in respect of the petitioner's lands measuring 1.55.00 hectares and 1.86.00 hectares in S.F.Nos.271/2 and 289/2A respectively situate at Alagumalai village, Tiruppur South Taluk, Tiruppur District, within a stipulated period and in accordance with law.

For petitioner : Mr.K.Govi Ganesan

For Respondents : Mr.P.Sathish
Additional Government Pleader



ORDER

This Writ Petition has been filed seeking for issuance of Writ of Mandamus to direct the first respondent herein to consider and pass orders on the appeal dated 04.03.2022 filed by the petitioner for cancellation of the names of the respondents 3 to 6 herein in Patta Nos.2294 and 2295 in respect of the petitioner's lands measuring 1.55.00 hectares and 1.86.00 hectares in S.F.Nos.271/2 and 289/2A respectively situated at Alagumalai village, Tiruppur South Taluk, Tiruppur District, within a stipulated period as fixed by this Court.

2. Mr.P.Sathish, learned Additional Government Pleader 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 petitioner purchased the property in above said survey number situated at said village from one S.Thangasamy vide sale deed dated 26.11.2008. Thereafter, Patta was issued in his favour. While that being so, the 3rd respondent had filed a suit for partition in O.S.No.143 of 2005 as against the petitioner and respondents 4 to 6 and the same was dismissed on 21.12.2016. While so the 3rd respondent filed another Suit in O.S.No.177 of 2014 and the same was decreed on 25.04.2018, pursuant to the same the 2nd respondent herein had passed an order for inclusion of the names of respondents 3 to 6 in the revenue records. Whiles, petitioner filed an Appeal before the 1st respondent under Tamil Nadu Patta Passbook Act on 04.03.2022 for cancellation of the names of respondents 3 to 6 in the revenue records in Patta Nos.2294 and 2295 in respect of the petitioner's lands. Since the same was not considered, the petitioner has filed the present Writ Petition seeking the aforesaid relief.

5. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the first respondent to consider the petitioner's Appeal dated 04.03.2022 and pass appropriate orders within the time frame that may be fixed by this Court.

6. The learned Special Government Pleader appearing for the respondents 1 to 3 submits that though the petitioner claims that he made an Appeal before the first respondent on 04.03.2022, however, an alternative remedy is available to the



petitioner to file an application before the Tahsildar under Section 10 of the Patta Passbook Act, for cancellation of names of the respondents 3 to 6 in the Revenue Records.

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 application is filed, the second respondent / Tahsildar 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 private respondents, within a period of twelve weeks thereafter.

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

Sd/-
Assistant Registrar

True Copy//

Sub Assistant Registrar

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To

1. The Revenue Divisional Officer,
Tiruppur.

2. The Tahsildar,
Tiruppur South Taluk,
Tiruppur.

+1cc to Mr.K.Govi Ganesan, Advocate, S.R.No.25864
+1cc to the Government Pleader, S.R.No.26170

W.P.No.9192 of 2022

SKM[co]
NSK 04/05/2022