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W.P.No.39939 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.39939 of 2015
and M.P.No.2 of 2015

N.Nachimuthu Gounder

.. Petitioner

Versus

1. The District Collector
Tiruppur

2.The Revenue Divisional Officer
Office of the Revenue Divisional Office
Uudumalpet Taluk
Tiruppur District

3.The Tahsildar
Madathukulam Taluk
Tiruppur District

4.Palanigounder

5.Angammal

6.Thirumalaisamy

7.Rajalakshmi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records of the 3rd respondent vide Patta No.214 dated 13.06.2013 and quash the same.



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For Petitioner : Mr.C.Selvaraj

For Respondents : Mr.U.Baranidharan for R1 - R3
Additional Government Pleader

R4 to R7 – Tapal returned
Insufficient Address

ORDER

This writ petition is filed challenging the joint patta issued by the official respondent and quash the same.

2. The case of the petitioners, they claim to be the owner of the properties in S.Nos.204/9, 204/10, 204/11, 204/12, 205/2, 205/3, 25/4, 205/5, 205/6, 210/2 and 210/6 situated at Sankaramanallur South, Madathukulam Taluk, Tiruppur District. While so, it is the grievance of the petitioner that a joint patta has been issued in favour of the petitioner and the private respondents. Aggrieved by the same, the petitioner made several representations to the respondents 1 and 2 on various date, which are pending without consideration, till date. Hence, this petition.

3. The learned counsel for the petitioner submitted that this Court may issue a direction to the third respondent under Section 10 of the Tamil Nadu Patta Passbook Act, 1983 seeking modification of entries in the patta passbook within a



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reasonable time as fixed by this Court.

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4. The learned Additional Government Pleader submitted that he has no serious objection with regard to the prayer as sought by the petitioner.

5. It is to be noted that Section 10 of the Tamil Nadu Patta Passbook Act, 1983 contemplates that the Tahsildar is the competent authority to modify the entries in the patta pass book. The second respondent namely Revenue Divisional Officer is an appellate authority against the order of the second respondent namely the Tahsildar.

6. Considering the facts and circumstances of this case, this Court, without interfering with the impugned order, directs the petitioner to file an application before the third respondent seeking modification in the impugned patta within a period of four weeks from the date of receipt of a copy of this Order and the third respondent shall consider the same and pass order (s) on merits and in accordance with law, after providing opportunity of hearing to the petitioner as well as any other interested parties within a period of twelve weeks thereafter.



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7. In view of the above directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Index:Yes/No
Internet:Yes/No
dhk

To

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M.DHANDAPANI, J.

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(1/2)