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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.10081 & 10082 of 2022

C.Munusamy Pillai

... Petitioner in both W.Ps

Vs.

1. The District Collector,
Villupuram District,
Villupuram - 605 602.
2. The Revenue Divisional Officer,
Villupuram Division,
Villupuram District,
Villupuram - 605 602.
3. The Tahsildar,
Kandachipuram Taluk,
Villupuram District.

4.G.Boopathi

5.Manikandan

6.Gunasekaran

... Respondents in W.P.No.10081 of 2022

1. The District Collector,
Villupuram District,
Villupuram - 605 602.
2. The Revenue Divisional Officer,
Villupuram Division,
Villupuram District,
Villupuram - 605 602.
3. The Tahsildar,
Kandachipuram Taluk,
Villupuram District.

4.G.Boopathi

... Respondents in W.P.No.10082 of 2022



Prayer in W.P.No.10081 of 2021: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first to third respondents to cancel the Joint Patta bearing No.444 issued in the name of fourth, fifth and sixth respondent's father name Kannan and consequently to restore the Patta in the name of the petitioner by considering the petitioner's representation dated 16.11.2020 and reminder dated 20.12.2021.

Prayer in W.P.No.10082 of 2022: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first to third respondents to cancel the Patta No.586 issued in the name of the fourth respondent and consequently to issue a Patta to the petitioner by considering the petitioner's representation dated 20.12.2021.

For petitioner : Mr.D.Senthilkumar
(In both W.Ps)

For Respondents : Mr.Yogesh Kannadasan
(In both W.Ps) Special Government Pleader

COMMON ORDER

The petitioner has filed this petition seeking direction to the first to third respondents to cancel the Patta Nos.586 and 444 and consequently to issue a Patta to the petitioner by considering the petitioner's representation dated 20.12.2021.

2. Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for the 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. The case of the petitioner is that, the petitioner is the owner of the property comprised in S.No.37/2, measuring an extent of 67 cents, and in S.No.33/2, measuring an extent of 1 acre 25 cents, situated at Thandari village, Kandachipuram Taluk, Villupuram District. On earlier occasion a separate Patta was issued in favour of the petitioner in Patta bearing no.444 and 214. However, subsequently, based on the representation made by the private respondents herein, a joint Patta was issued in favour of the fourth respondents along with the petitioner, without issuing any notice to the petitioner. Hence, the petitioner made a representation dated 20.12.2021 before the first and second respondents in terms of Section.10 of the Patta Passbook Act, for the cancellation of the said joint Patta and



to restore the Patta in his favour. However, till date no action has been taken by the third respondent on the representation made by the petitioner. Hence, the present Writ Petition has been filed by the petitioner for the above relief.

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4. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court directs the third respondent to consider the petitioner's representation dated 20.12.2021 within the time frame that may be fixed by this Court.

5. The learned Government Advocate appearing for the respondents submits that the petitioner inadvertently, made representations dated 20.12.2021 before the first and second respondents. However, cancellation of the Patta only lies with the Tahsildar in terms of Section.10 of the Patta Passbook Act. Hence, this Court may direct the second respondent to forward the petitioner's representation dated 20.12.2021, within a time frame that may be fixed by this Court.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the second respondent to forward all the documents relating to the petitioner's representation dated 20.12.2021 to the third respondent, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said documents, the third respondent is directed to conduct enquiry in between the petitioner and the fourth respondent, and pass appropriate orders within a period of twelve weeks from the date of receipt of records from the second respondent.

7. Accordingly, these writ petitions are disposed of with the aforesaid direction. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Villupuram District,
Villupuram - 605 602.



2. The Revenue Divisional Officer,
Villupuram Division,
Villupuram District,
Villupuram - 605 602.

3. The Tahsildar,
Kandachipuram Taluk,
Villupuram District.

+lcc to Mr.D.Senthilkumar, Advocate, S.R.No.28602

+lcc to the Government Pleader, S.R.No.29697

+lcc to Mr.D.Senthilkumar, Advocate, S.R.No.28603 (13/06/2022)

W.P.Nos.10081 & 10082 of 2022

KV[co]
NSK/19/05/2022