



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.06.2022

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.14408 of 2022

V.Sivasubramaniam

...Petitioner

Vs.

1.The District Collector,
Namakkal.

2.The Revenue Divisional Officer,
Mohanur Road, Namakkal Town,
Namakkal Taluk and District.

3.The Tahsildar,
Taluk Office, Mohanur Road,
Namakkal Town, Namakkal Taluk and District. ...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the 3rd Respondent to correct the entries in the patta in respect of S.No.82/1 Bommasamudram Village, Senthamangalam Taluk, Namakkal District for an extent of 9.10 Acres in the petitioner's name.

For Petitioner : Mr.I.Abrar Mohammed Abdullah

For Respondents : Mr.Yogesh Kannadasan, SGP

O R D E R

Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for the respondents. By consent of both the parties, the writ petition is taken up for final disposal at the time of admission stage itself.

2. This Writ Petition has been filed seeking a direction to the 3rd Respondent to correct the entries in the patta in respect of S.No.82/1 Bommasamudram Village, Senthamangalam Taluk, Namakkal District for an extent of 9.10 Acres in the petitioner's name.

3. The case of the petitioner is that the petitioner is the owner of the subject property. Since there was some discrepancy in the revenue records in respect of the subject property, the petitioner has filed a suit against the respondents herein in O.S.No.528/2008 before the learned Additional District Munsif, Namakkal against the respondents for



the relief of declaration that the petitioner is the owner of the land to the extent of 9.10 Acres in the above said village and also for the relief of rectifying the wrong entries made in the patta passbook and the said suit was dismissed on 05.08.2013 in respect of the relief of declaration but however, the relief of injunction was granted in respect of S.No.82/1. Challenging the said decree, the petitioner had preferred an appeal in A.S.No.20/2014 before the Additional Sub Judge, Namakkal. The learned Sub Judge, who heard the appeal, after taking into consideration the entire aspects of the issue, had granted the relief of declaration in respect of 9.10 Acres in S.No.82/1, but, however, had dismissed the appeal in respect of rectification of entries in the patta stating that in view of the bar as per Section 14 of the Patta Passbook Act, the Civil Court cannot have any jurisdiction to make rectification in the patta. In view of the above said decision, the Civil Court has recognised the petitioner as owner of the suit property and therefore, the petitioner made a representation on 26.09.2020 seeking for issuance of patta for the entire extent of 9.10 acres in S.No.82/1 in Bommasamudram Village, Senthamangalam Taluk, Namakkal District. However, till date, the respondents have not considered the said representation and hence, the petitioner has filed the present petition before this Court seeking appropriate remedy.

4. The learned counsel for the petitioner submitted that this Court may issue a direction to the respondent to consider the petitioner's representation dated 26.09.2020 and pass appropriate orders within the stipulated time as fixed by this Court.

5. Heard the learned counsel for the petitioner and the learned Special Government Pleader and perused the materials available on record.

6. Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioner, this Court, without expressing any opinion on the merits of the writ petition, directs the 3rd respondent to consider the petitioner's representation dated 26.09.2020 and pass appropriate orders, after giving necessary opportunity of hearing to the petitioner and the counter parties, if any, pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//



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To

WEB COPY

1.The District Collector,
Namakkal.

2.The Revenue Divisional Officer,
Mohanur Road, Namakkal Town,
Namakkal Taluk and District.

3.The Tahsildar,
Taluk Office, Mohanur Road,
Namakkal Town,
Namakkal Taluk and District.

+lcc to Mr.I.Abrar MD Abdullah, Advocate SR. No. 34374

+lcc to Government Pleader SR. No. 34861

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SSN (CO)

PR (01/07/2022)