



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2022

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THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. NO. 11768 OF 2022

J.Rajaprabhu

.. Petitioner

Versus

1. The District Collector,
Salem District Collectorate,
Salem.
2. The Revenue Divisional Officer,
Salem Division, Salem District.
3. The Tahsildar,
Office of the Vazhapadi, Tahsildar,
Vazhapadi Taluk,
Salem District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the second respondent to dispose of the petitioner's appeal dated 27.03.2022 and pass suitable order.

For Petitioners : Mr.D.Bharathy

For Respondents : Mrs.Akila Rajendran, GA

O R D E R

Mr.Akila Rajendran, learned Government Advocate takes notice for the respondents. By consent of both parties, this writ petition is taken up for final disposal at the time of admission itself.

2.The present writ petition has been filed seeking a direction to the second respondent to dispose of the petitioner's appeal dated 27.03.2022 and pass suitable order.

3.The case of the petitioner is that the petitioner's



grandmother Ramaiyee Ammal was the owner of the land in S.No.32/1B1 at Pudupalayam Village, Vazhapadi Taluk. During the year 2021, she executed a Will dated 06.10.2021 in favour of the petitioner. During the year 2022, the petitioner's grandmother was expired. After demise of the petitioners grandmother, the third respondent wrongly included some unknown persons in patta No.846. Therefore, the petitioner made appeal before the 3rd respondent to cancel the computer chitta wrong entry in Patta No.846 and include the name of the petitioner. However, till date, the second respondent has not passed any order and hence, the petitioner has file the present writ petition before this Court with the above said prayer.

4. The learned counsel for the petitioner submitted that though there was a error in the aforementioned patta, which was granted to the petitioner in terms of Section 3 of the Patta Passbook Act. Therefore, the petitioner made appeal before the second respondent in order to avail the remedy. But, the second respondent has no power to modify the patta. Therefore, the learned counsel prays that this Court may permit the petitioner to file a fresh application to the 3rd respondent and after filing such application, this Court may issue a suitable direction to the third respondent to consider and pass appropriate orders within the time stipulated by this Court.

5. Considering the facts and circumstances of the case and the limited relief sought for by the petitioner, this Court, permits him to file a fresh application to the third respondent in terms of Section 10 of the Patta Passbook Act within a period of four weeks from the date of receipt of a copy of this order. Upon receipt of such application, the third respondent shall consider the same and pass appropriate orders, on merits and in accordance with law, after affording reasonable opportunity of hearing to the petitioner, within a period of six weeks, thereafter.

6. With the aforesaid direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Salem District Collectorate,
Salem.
2. The Revenue Divisional Officer,
Salem Division, Salem District.
3. The Tahsildar,
Office of the Vazhapadi, Tahsildar,
Vazhapadi Taluk,
Salem District.

+1cc to Mr.D.Bharathy, Advocate, S.R.No.32149
+1cc to the Government Pleader, S.R.No.33043

W.P. No. 11768 of 2022

PM(CO)
PM/20/06/2022