

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.12379 of 2022

1. C. Ellappan

2. C. Mahalingam

... Petitioner

Vs.

1. The District Collector,  
Thirupattur District.

2. The District Revenue Officer,  
Thirupattur,  
Thirupattur District.

3. The Revenue Divisional Officer/Sub collector,  
Vaniyambadi Taluk,  
Thirupattur District.

4. The Tahsildar,  
Vaniyampadi Taluk,  
Thirupattur District.

5. The Zonal Deputy Tahsildar,  
Vaniyampadi Taluk,  
Thirupattur District.

6. The Village Administrative Officer,  
23 Govindapuram,  
Kanavai Pudhur Village,  
Vaniyampadi Taluk,  
Thirupattur District.

7. The Village Assistant,  
O/o. The Village Administrative Officer,  
23 Govindapuram, Kanavai Pudhur Village,  
Vaniyampadi Taluk,  
Thirupattur District.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus or any other writ or order or direction in the nature of writ, directing to the 2<sup>nd</sup> and 3<sup>rd</sup> respondents to dispose of the pending statutory appeal of the petitioner dated 21.12.2020 which is pending on the file of

the 3<sup>rd</sup> respondent pursuant to the proceedings of the 2<sup>nd</sup> Respondent in NA.KA.No.D3/2296/2021 dated 02.06.2021 and proceedings of the 3<sup>rd</sup> Respondent in NA.KA.A2/1307/2021 dated 18.06.2021 within stipulated period of time and in accordance with law.

For Petitioner : M/s.Rajeshkanna

For Respondents : Mr. Yogesh Kannadasan,  
Special Government Pleader.

#### ORDER

The present petition has been filed seeking a direction to the respondents 2 & 3 to dispose of the statutory appeal dated 21.12.2020 filed by the petitioners within the time that may be stipulated by this Court.

2. It is the case of the petitioners that the petitioners' father Chinnakulanthai Gounder and his elder brother Arunachala Kulanthai Gounder jointly purchased the subject property and they are jointly in possession and enjoyment of the same. While being so, Patta was granted by the Revenue Department in favour of Arunachala Kulanthai Gounder as he was the elder member of the family. Since, the said property devolved upon his legal heirs after the demise of said Arunachala Kulanthai Gounder, Patta was transferred in their names without including the name of the petitioners who are the legal heirs of Chinnakulanthai Gounder. Therefore, the petitioners made an application dated 06.02.2018 to the respondents requesting to issue joint patta in respect of the subject property, pursuant to which, the impugned order dated 27.09.2018 came to be passed rejecting their request. Against the said order, the petitioners filed a statutory appeal under Section 12 of the Tamil Nadu Patta Pass Book Act on 21.12.2020 before the 3<sup>rd</sup> Respondent/Revenue Divisional Officer. However, till date, the same has not been considered. Hence, the petitioner has come up with this Writ Petition.

3. Though very many grounds have been raised, learned counsel for the petitioners submits that it would suffice, if this Court issues a direction to the 3<sup>rd</sup> Respondent/Revenue Divisional Officer to consider the statutory appeal filed by the petitioner and dispose of the same on merits, within the time that may be stipulated by this Court.

4. On the above contention, heard the learned Special Government Pleader appearing for the respondents.

5. In view of the aforesaid submissions, this Court, without expressing any opinion on the merits of the case, directs the 3<sup>rd</sup> Respondent/Revenue Divisional Officer to consider the statutory appeal dated 21.12.20202 filed by the petitioners and dispose of the same in accordance with law, after affording an opportunity of personal hearing to the petitioners and to the aggrieved persons if any, within a period of twelve weeks from the date of receipt of a copy of this order.

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

Sd/-  
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

NHS

To

1. The District Collector,  
Thirupattur District.
2. The District Revenue Officer,  
Thirupattur,  
Thirupattur District.
3. The Revenue Divisional Officer/Sub collector,  
Vaniyambadi Taluk,  
Thirupattur District.
4. The Tahsildar,  
Vaniyampadi Taluk,  
Thirupattur District.
5. The Zonal Deputy Tahsildar,  
Vaniyampadi Taluk,  
Tirupattur District.
6. The Village Administrative Officer,  
23 Govindapuram,  
Kanavai Pudhur Village,  
Vaniyampadi Taluk,  
Thirupattur District.

7. The Village Assistant,  
O/o. The Village Administrative Officer,  
23 Govindapuram, Kanavai Pudhur Village,  
Vaniyampadi Taluk,  
Thirupattur District.

+1cc to Mr.A.Rajesh Kanna, Advocate, S.R.No.32442

+1cc to the Government Pleader, S.R.No.33721

W.P.No.12379 of 2022

GSM(CO)  
UMA(15/07/2022)