

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.14245 OF 2022

Sungamma @ Ammayamma

... Petitioner

Vs.

1. The Revenue Divisional Officer
Hosur
Krishnagiri District.
2. The Tahsildar
Hosur Taluk
Krishnagiri District.
3. Prakash
4. Govindappa
5. G.Seenivasan
6. Vijayalakshmi

...Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent herein to dispose of the petitioner's appeal dated 04.05.2022 sent for cancelling the patta issued in the names of the private respondents herein and to grant the patta in the name of the petitioner in respect of the lands measuring 0.20.0 hectares in S.F.No.31/b situate at Santhapuram Agraharam Village, Hosur Taluk, Krishnagiri District, in accordance with law and within a stipulated period.

For Petitioner : Mr.K.Govi Ganesan

For Respondents : Mr.Yogesh Kannadasan for R1 & R2
Special Government Pleader

O R D E R

This petition has been filed for issuance of Writ of Mandamus to direct the first respondent to dispose of the petitioner's appeal dated 04.05.2022 and to grant the patta in the name of the petitioner.

2. The case of the petitioner is that the land measuring an extent of 0.20.0 hectares in S.F.No.31/b situated at Santhapuram Agraharam Village, Hosur Taluk, Krishnagiri District, was belonged to her husband and initially patta was also issued in his name and he was in absolute possession and enjoyment of the same and after his death, his legal heirs including the petitioner were succeeded to the above said lands. The grievance of the petitioner is that when they attempted to enter their names as pattadars, they were shocked and surprised to note that her husband's name was deleted from the record and one Govindappa name has been entered as pattadhar for the above said land. Hence, the petitioner has filed an appeal dated 04.05.2022 before the 1st respondent, requesting to cancel the patta issued in the name of the private persons. However till date no order has been passed on the said appeal and therefore, the petitioner is before this Court.

3. The learned counsel appearing for the petitioner submitted that it would suffice if this Court issues direction to the 1st respondent to consider the petitioner's appeal dated 04.05.2022 and pass orders on the same within a particular time frame fixed by this Court.

4. The learned Special Government Pleader appearing for the official respondents submitted that under Section 10 of the Tamil Nadu Patta Passbook Act, 1983, any modification of entries in the patta pass book, the Tahsildar shall follow such procedure as may be prescribed and shall also give a reasonable opportunity to the parties concerned. However in the present case on hand, the petitioner instead of filing appropriate petition before the 2nd respondent, has filed the appeal before the 1st respondent, which is not sustainable and hence this Court may issue direction to the 1st respondent to transfer the files to the 2nd respondent to enable him to pass appropriate orders in terms of Section 10 of the Patta Passbook Act.

5. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the 1st respondent to transfer files to the 2nd respondent to enable him to pass appropriate orders in terms of Section 10 of the Tamil Nadu Patta Passbook Act, 1983 and the 2nd respondent, after receipt of the files, shall pass appropriate orders after

providing opportunity to the petitioner as well as the private respondent.

6. This Writ Petition is disposed of with the above terms. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Revenue Divisional Officer
Hosur
Krishnagiri District.
2. The Tahsildar
Hosur Taluk
Krishnagiri District.

+1cc to Mr.K.Govi Ganesan, Advocate, S.R.No.33761
+1cc to the Government Pleader, S.R.No.34502

W.P.No.14245 of 2022

SKM(CO)
PM/01/07/2022