



W.P.No.15734 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 24.06.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.15734 of 2022

1. Chandrasekarn
2. Sundarrajan
3. Radhabai
4. Revathi
5. Premalatha

...Petitioners

VS.

1. The Revenue Divisional Officer,
Namakkal,
Namakkal District.

2. The Tahsildar,
Senthamangalam Taluk,
Namakkal District.

3. Sathishkumar

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to hear and dispose of the Appeal dated 06.09.2021 filed by the petitioner under Rule 14 of the Tamil Nadu Patta Pass Book Rules, 1987, within the time frame as may be fixed by this Hon'ble Court.



W.P.No.15734 of 2022

For Petitioners : Mr.S.Senthil

For respondents : Mr.R.P.Murugan Raja
Government Advocate for RR1 and 2

ORDER

This writ petition has been filed seeking for issuance of a Writ of Mandamus to direct the first respondent to consider the petitioners' Appeal dated 06.09.2021 and dispose of the same under Rule 14 of the Tamil Nadu Patta Pass Book Rules, 1987, within the time frame as may be fixed by this Court.

2. Since no adverse order has been passed against the private respondent notice to him is dispensed with.

3. The case of the petitioners is that petitioners and others are in joint possession of the land situated in S.Nos.154/2A2, 154/2E and 154/2B ad-measuring 69.55 Acres, situated in Singalamkombai Village, Senthamangalam Taluk, Namakkal District. Though the petitioners are the joint pattadhars of the above said property, the 3rd respondent



W.P.No.15734 of 2022

without impleading the petitioners as necessary parties, filed a Writ Petition before this Court in W.P.No.15400 of 2019, seeking a direction to the authorities to sub-divide the property in S.No.154/2A2 and to issue separate patta in his favour. This Court vide order dated 02.03.2020 issued direction to the 1st respondent therein / Tahsildar to decide the claim of the 3rd respondent after affording opportunity to the necessary parties. Since the 3rd respondent has taken steps to obtain patta for the said land, the petitioners filed a civil suit in O.S.No.494 of 2020 against the 3rd respondent and the same is pending on the file of District Munsif Court, Senthannamangalam. However, without considering the pendency of the said suit between the petitioners and the 3rd respondent, the 2nd respondent / Tahsildar vide proceedings dated 16.10.2020, sub-divided the subject land and transferred the patta in favour of the 3rd respondent. Aggrieved by the same, the petitioners filed an appeal before the 1st respondent on 06.09.2021 seeking to cancel the said sub-division and patta which was issued in favour of the 3rd respondent. Since the same has not been considered by the first respondent favourably, the petitioners has filed the present Writ Petition seeking the aforesaid relief.



W.P.No.15734 of 2022

WEB COPY

4. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioners submits that it would suffice if this Court issues direction to the 1st respondent to consider the petitioners' appeal dated 06.09.2021 and pass orders on merits within a particular time frame to be fixed by this Court.

5. The learned Government Advocate appearing for respondents 1 and 2 has no objection for said order being passed.

6. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, directs the 1st respondent to consider the said appeal of the petitioners dated 06.09.2021 and pass appropriate orders, on merits and in accordance with law after affording an opportunity of hearing to the petitioners as well as private respondent,



W.P.No.15734 of 2022

within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above observations and direction, the Writ Petition is disposed of. No costs.

24.06.2022

RAP

Index : Yes/No

Speaking order : Yes/No

To

1. The Revenue Divisional Officer,
Namakkal,
Namakkal District.

2. The Tahsildar,
Senthamangalam Taluk,
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M.DHANDAPANI, J.



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W.P.No.15734 of 2022

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W.P.No.15734 of 2022

24.06.2022

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