



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. NO.11053 OF 2014

AND

W.M.P.NO.1 OF 2014

1. R.Kamalam
2. R.Balan
3. R.Jhansi Rani
4. R.Ravi
- 5.R.Mohan

... Petitioners

Vs.

1. The State of Tamil Nadu
Rep. by the Secretary
Commercial Taxes & Religious Endowments Department,
Fort St.George, Chennai 600 009.
2. The Principal Secretary & Commissioner
Land Administration
Ezhilagam, Chennai 600 005.
3. The District Collector,
Namakkal District, Namakkal.
4. The District Revenue Officer
Namakkal District, Namakkal.
5. The Special Tahsildar
Natham Settlement
Paraamthi Velur,
Namakkal District.
6. The Idol of Sri Selva Vinayakar Temple
Rep. by the Executive Officer,
Nallipalayam, Namakkal District.

... Respondents

Prayer :

Writ Petition filed under Article 226 of the Constitution of



India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the Principal Secretary and Commissioner, Land Administration relating to Letter No.K4/27326/12 dated 11.01.2013, the 2nd respondent herein, quash the same and direct the respondents to enter Patta No.622 issued to the petitioners in the Nallipalayam Village revenue records.

For Petitioner : M/S.R.Meenal

For R1 to R5 : Mr.R.P.Murugan Raja
Government Advocate

For R6 : Mr.K.Karthikeyan
Government Advocate

O R D E R

This Writ Petition has been filed seeking for the issuance of a Writ of Certiorarified Mandamus to call for the records of the Principal Secretary and Commissioner, Land Administration relating to Letter No.K4/27326/12 dated 11.01.2013, the second respondent herein, quash the same and direct the respondents to enter Patta No.622 issued to the petitioners in the Nallipalayam Village Revenue Records.

2. The case of the petitioners is that they are the owners of the property in S.No.150/13 in Nallipalayam, and they are residing there for more than 60 years. However, inadvertently, the petitioners made an application before the Assistant Settlement Officer, Dharapuram for grant of Patta to their lands. Thereafter, the Patta was issued in the name of the petitioners and subsequently, fourth respondent/District Revenue Officer has set aside the order passed by the Assistant Settlement Officer, Dharapuram, and the same was confirmed by the second respondent. Challenging the same, the present Writ Petition is filed.

3. The learned counsel for the petitioner submitted that inadvertently the petitioners filed the application for Patta before the Assistant Settlement Officer, though the petitioners had clear title to the property and the Patta was issued in their name based on the title over the property. However, the fourth respondent cancelled the Patta as it was issued by an authority who had no jurisdiction. Therefore, it is prayed that the petitioners may be permitted to file application before the fifth respondent for grant of Patta.

4. Heard the learned counsel for the petitioners as well as the learned Government Advocate for the respondents and perused



the materials available on record.

5. The facts in the present case are not in a dispute. The petitioners claim that they own the title and are residing in the aforesaid survey number. However, the petitioners inadvertently made a claim before the Assistant Settlement Officer, who had no jurisdiction. Which assignment has been set aside by District Revenue Officer and the same was confirmed by the second respondent. The said order passed by the respondents cannot be said to be bad.

6. However, in view of the limited request made by the learned counsel for the petitioners, this Court, without expressing any opinion on the merits of the case, directs the petitioners to file appropriate application under the Tamil Nadu Patta Passbook Act before the fifth respondent and the fifth respondent is directed to consider the said application and pass appropriate orders without in any way influenced by any of order passed by the second and fourth respondents, after affording an opportunity of hearing to the sixth respondent and the petitioners. The petitioners are directed to file the said application within a period of two weeks from the date of receipt of a copy of this order and on receipt of such application, the fifth respondent is directed to pass appropriate orders, on merits and in accordance with law, within a period of twelve weeks thereafter.

7. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

jd/rap

To

1. The Secretary,
The State of Tamil Nadu,
Commercial Taxes & Religious Endowments Department,
Fort St.George, Chennai 600 009.
2. The Principal Secretary & Commissioner
Land Administration
Ezhilagam, Chennai 600 005.



3. The District Collector,
Namakkal District, Namakkal.

4. The District Revenue Officer
Namakkal District, Namakkal.

5. The Special Tahsildar
Natham Settlement
Paraamthi Velur,
Namakkal District.

+1cc to M/S.R.Meenal, Advocate, S.R.No.21674

+1cc to the Government Pleader, S.R.No.22251

W.P. No.11053 of 2014
and

W.M.P.No.1 of 2014

SR II (CO)
PM/19/05/2022