



W.P.No.33523 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.33523 of 2022

R.Balakrishnan

... Petitioner

-Vs-

1. The District Collector,
Ranipet District, Ranipet.
2. The Revenue Divisional Officer,
Arakkonam, Ranipet District.
3. The Tahsildar,
Nemili Taluk, Ranipet District.
4. The Village Administrative Officer,
Melapulam Pudur (Via) Panapakkam,
Nemili Taluk, Ranipet District.
5. R.Balaji
6. R.Manoharan
7. R. Shanmugam

... Respondents

Prayer : Writ Petitions under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to consider representations of the petitioner dated 31.05.2022 and seeking interference in cancelling the patta granted to the respondents 5 to 7 without following the due process of law the dispose of the same within a time frame fixed by this Court.



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For Petitioner : Mr. Ramesh Venkatachalapathy
For Respondents : Mr.P.Sathish
Additional Government Pleader
[R1 & R4]

ORDER

The prayer sought for herein is for a writ of mandamus directing the respondents 1 to 4 to consider the representation of the petitioner dated 31.05.2022 and seeking interference in cancelling the patta granted to the respondents 5 to 7 without following the due process of law

2. In respect of lands at S.No177/1A & S.No.177/1B2 at Melapulam Village, Nemili Taluk, Ranipet District, it is claim of the petitioner that the lands belongs to the petitioner, where the name of the petitioner in the patta has already been inserted.

3. When a rival party had sought for change of patta by removing the name of the petitioner, that issue having been considered by the Revenue Divisional Officer i.e., second respondent, who passed an order in detail dated 31.01.2015, where he confirmed the name of the petitioner found in the patta for the land in question concerned and directed the



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opposite party to approach the Civil Court to redress their grievance.

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4. Despite the clear cut order passed by the RDO concerned as early as on 31.01.2015, the third respondent without putting the petitioner under notice has removed the name of the petitioner in the patta by issuing proceedings dated 27.08.2020.

5. The said order dated 27.08.2020 is directly against or conflicting the order already passed by the RDO dated 31.01.2015, therefore, in order to rectify the same the petitioner had given a representation to the office of the Collector during the Jamabanthi on 31.05.2022, even thereafter since no rectification has been made and nothing was forthcoming from the respondents, the petitioner has moved the present writ petition.

6. Reiterating the aforesaid Mr.Ramesh Venkatachalapathy, learned counsel appearing for the petitioner seeks indulgence of this Court.



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7. Heard Mr.P.Sathish, learned Additional Government Pleader appearing for the respondents 1 to 4, who would submit that, if the Tahsildar passed an order on 27.08.2020 against the interest of the petitioner by removing his name from the patta and if it is caused against the order already been passed by the RDO dated 31.01.2015, on that ground itself the petitioner could have filed an appeal before the RDO himself under Section 12 of the Patta Passbook Act, 1983 and if such an appeal is filed that would be considered and decided by the second respondent at the earliest on merit and in accordance with law and if the petitioner has given representation to the concerned Officer, probably that may not having been noticed by the second respondent, who is the actual Authority to sit upon as an Appellate Authority against the order passed by the Tahsildar dated 27.08.2020, he contended.

8. I have considered the said submission made by the learned counsel appearing for both sides and have perused the materials placed before this Court.



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9. With regard to the said stand taken by the learned Additional Government Pleader appearing for the respondents 1 to 4 and taking note of the same, this Court is inclined to dispose of this writ petition with the following orders:

- ◆ That it is open to the petitioner to make an appeal under Section 12 of the Patta Passbook Act, 1983 against the order dated 27.08.2020 within a period of two weeks from the date of receipt of a copy of this order.
- ◆ Once such an appeal is filed, the second respondent shall take up the appeal on priority basis and decide the same after giving notice to the petitioner as well as the private respondents, thereafter within a period of four(4) weeks from the date of receipt of a copy of this order.
- ◆ It is made clear that, while deciding the said appeal, the second respondent shall borne in mind that already the issue has been considered by the second respondent and a detailed order has been passed on 31.01.2015 and the said order since has not been modified or changed and no appeal has been filed since that has become final, finding given by the second respondent in the said



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order dated 31.01.2015 is still holds good, therefore, based on which, the decision can be taken on the appeal to be filed by the petitioner as stated supra by the second respondent within a time frame imposed herein.

With these directions, this writ petition is disposed of. No costs.

14.12.2022

Index : Yes/No
Speaking order: Yes/No
mp

Note: Issue order copy on 19.12.2022

To

1. The District Collector,
Ranipet District, Ranipet.
2. The Revenue Divisional Officer,
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R. SURESH KUMAR, J.

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