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W.P.No.27076 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.27076 of 2022
and W.M.P.No.26290 of 2022

Na.Muthusamy

... Petitioner

vs.

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Tiruppur, Tiruppur District.

2.The Tahsildar,
Uthukuli Taluk Office,
Uthukuli Tiruppur District.

3.S.Murugan

4.The Sub Registrar,
Uthukuli Registration Office,
Uthukuli Taluk, Tiruppur District.

5.V.Vaikaramaiyer

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus directing the 1st and 2nd respondents to dispose of the appeal dated 11.03.2021 filed by the petitioner seeking cancellation of patta No.155 in respect of the Grama Natham vacant land measuring about 44 cents in Survey No.1/2 situated in Vellaigoundenpudur, Vadugapalayam Village, Uthukuli Taluk, Tiruppur District.



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For Petitioner : Mr.R.Senniappan

For Respondents : Mr.U.Bharanidharan for RR1, 2 & 4
Additional Government Pleader

: R3 & R5 – Notice dispensed with

ORDER

This Writ Petition has been filed to direct the 1st and 2nd respondents to dispose of the appeal dated 11.03.2021 filed by the petitioner seeking cancellation of patta No.155 in respect of the Grama Natham vacant land measuring about 44 cents in Survey No.1/2 situated in Vellaigoundenpudur, Vadugapalayam Village, Uthukuli Taluk, Tiruppur District.

2.Heard Mr.R.Senniappan, the learned counsel appearing for the petitioner and Mr.U.Bharanidharan, learned Additional Government Pleader appearing for the respondents 1, 2 and 4 and perused the materials available on record placed before this Court.

3.The case of the petitioner is that there is one Mahakaliyamman Temple in Vellaigoundenpudur, Vadugapalayam Village, Uthukuli Taluk, Tiruppur District, which is 400 years old. Adjoining to the said temple, there



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is Grama Natham Land measuring to an extent of 44 Cents in S.No.1/2. The said vacant land has been in use by the public and devotees of the said temple. While so, the 5th respondent, who was the Karnam of the Vellaigoundenpudur, Vadugapalayam Village, obtained patta bearing No.155 in respect of the 44 Cents of the Grama Natham vacant land in S.No.1/2, issued by the 2nd respondent. Thereafter, one R.Easwaramoorthy, resident of the Tiruppur District sought information under RTI, Act as to how the patta No.155 was issued by the 2nd respondent and the 2nd respondent furnished the details vide Lr.Na.Ka.No.1001/2021/A1 dated 24.06.2021. The petitioner further states that the said vacant land has been sold by the 5th respondent to the 3rd respondent based on the alleged Patta No.155 and thereafter, Patta No.1176 dated 26.08.2021 was issued in name of the 3rd respondent. The petitioner preferred an appeal to the 1st respondent for cancellation of Patta No.155 on 11.03.2021. The 1st respondent in turn directed the 2nd respondent vide Memo Na.Ka.1104/2021/A2 dated 13.08.2021, to enquire into the matter and send a report along with the connected file through which the Patta No.1176 was issued. Till date, no orders has been passed and therefore, the petitioner has come forward with the present Writ Petition.



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4.The learned counsel appearing for the petitioner would submit that the petitioner is the owner of the property. However, the authority/ official respondent issued patta in name of 5th respondent who in turn sold the property to one Murugan/ 3rd respondent. For cancellation of the said patta, the petitioner made an application before the Revenue Divisional Officer and the same was not considered.

5.Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the 1st and 2nd respondents to dispose of the appeal dated 11.03.2021, filed by the petitioner seeking cancellation of Patta No.155 and pass orders.

6.The learned Government Pleader appearing for the respondent submitted that once the patta issued under Section 3 of the Tamil Nadu Patta Passbook Act, 1983, the cancellation or modification lies only before the concerned Tahsildar. Instead of filing an application before the concerned Tahsildar, the petitioner has given his application to the Revenue Divisional Officer. Hence, this Court may issue a direction to the petitioner to make appropriate application before the concerned Tahsildar under Section 10 of



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the Tamil Nadu Patta Passbook Act, 1983. If such application is filed, the 2nd respondent shall consider and pass appropriate orders.

7.As there is no adverse orders is going to be passed by this Court, notice to the 3rd and 5th respondents are dispensed with.

8.In view of the above, admittedly, the petitioner made a representation for cancellation of patta to the 1st respondent which is not sustainable one and the same is contrary to Section 10 of the Tamil Nadu Patta Passbook Act, 1983.

9.In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the petitioner to file an appropriate application before the 2nd respondent in terms of Section 10 of the Tamil Nadu Patta Passbook Act, 1983. On receipt of such application, the 2nd respondent is directed to consider the same and pass appropriate orders after providing an opportunity to the petitioner and the private parties concerned. This writ petition is accordingly disposed of. No costs.



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Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Speaking Order : Yes/No
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