



W.P.No.29632 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2022

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.29632 of 2022

S.Saravanan

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Chengalpattu.

2.The Tahsildar,
Thirukazhugundram,
Chengalpattu District.

3.Subramani

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus directing the first respondent to pass appropriate order with respect to grant of patta comprised in S.No.1006/A over an extent of 1.16 acres and S.No.1012/1 over an extent of 03.03 acres in Ponvizhantha Kalathur-B Village, Thirukazhugundram Taluk, Chengalpattu District pursuant to the report of the Tahsildar dated 12.11.2019 and 13.07.2021 in the name of petitioner's family within the time fixed by this Court.

For Petitioner : Mr.M.Muthappan

For Respondents 1 & 2 : Mr.U.Bharanidharan,



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Additional Government Pleader

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ORDER

The petitioner has filed this petition seeking for issuance of Writ of Mandamus directing the first respondent to pass appropriate order with respect to grant of patta comprised in S.No.1006/A over an extent of 1.16 acres and S.No.1012/1 over an extent of 03.03 acres in Ponvizhantha Kalathur-B Village, Thirukazhugundram Taluk, Chengalpattu District pursuant to the report of the Tahsildar dated 12.11.2019 and 13.07.2021 in the name of petitioner's family within the time fixed by this Court.

2. With the consent of both the parties, this petition is taken up for final disposal at the stage of admission itself.

3. Since no adverse order has been passed against the third respondent, notice to the third respondent is dispensed with.

4. The case of the petitioner is that the agricultural land comprised in S.No.1006/A to an extent of 1.16 acres and S.No.1012/1 to an extent of 3.03 acres in Ponvizhainthakalathur Village, Thirukazhugundram Taluk was



originally belongs to petitioner's great grand father and it is an ancestral property. After the demise of petitioner's father, the said agricultural land was taken possession and enjoyed by the petitioner's mother, petitioner and his three sisters. But the revenue records have been changed by making several sub divisions in the name of several persons. Therefore, the petitioner filed an application before the second respondent for transfer of Patta. On the basis of the petitioner's application, the second respondent conducted an enquiry and submitted a report dated 12.11.2019 before the first respondent, however, till date, the first respondent has not passed any order pursuant to the enquiry conducted by the second respondent. Hence, this writ petition.

5. Learned counsel for the petitioner would submit that as per Section 10 of the Tamil Nadu Patta Pass Book Act, 1983, if any modification is made in the patta, the application has to be made before the Tahsildar. In the present case on hand, the petitioner has rightly made an application before the second respondent/Tahsildar on 12.07.2019, however, he submitted a enquiry report before the first respondent/the Revenue Divisional Officer.



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Hence, this Court may issue a direction to the first respondent to transfer all the papers to the second respondent and enable him to pass appropriate orders in terms of section 10 of the Tamil Nadu Patta Pass Book Act, 1983.

6. Heard the learned counsel for the petitioner and perused the materials available on record.

7. In view of the submission made by the learned counsel for the petitioner, this Court directs the first respondent/Revenue Divisional Officer to transfer all the papers on the file of second respondent/Tahsildar and on such receipt, the second respondent/Tahsildar is directed to pass orders on the petitioner's application in terms of section 10 of the Tamil Nadu Patta Pass Book Act, 1983 after affording reasonable opportunity of hearing to the petitioner as well as third respondent within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, this writ petition is disposed of. No costs.

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Index : Yes/No

Speaking Order : Yes/No

To:

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Chengalpattu District.



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M.DHANDAPANI,J.

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