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W.P.No.28018 of 20__

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.10.2022

Coram

The Honourable Mr.Justice M.DHANDAPANI

W.P.No.28018 of 2022

N.Ravichandran

...Petitioner

Versus

1.The Tahsildar,
Tahsildar Office,
Pethanaickan Palayam Taluk,
Salem District.

2.C.Vellachi

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the first respondent to consider the petitioner's representation dated 19.07.2022 and pass appropriate order to cancel the Patta which was wrongly given to the second respondent and issue Patta in the name of the petitioner.

For Petitioner : A.Kumar

For Respondent - 1 : Mr.U.Bharanidharan,
Additional Government Pleader



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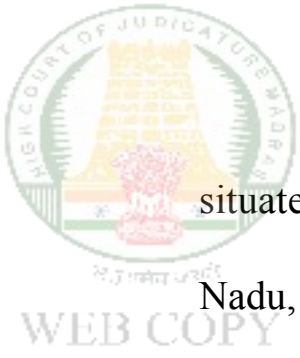
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ORDER

Mr.U.Bharanidharan, learned Additional Government Pleader takes notice for the first respondent. With the consent of both sides, this writ petition is taken up for final disposal at the stage of admission itself.

2. The relief sought in this writ petition is to direct the first respondent to consider the petitioner's representation dated 19.07.2022 and pass appropriate order to cancel the Patta which was wrongly given to the second respondent and issue Patta in the name of the petitioner.

3. The case of the petitioner is that his grandfather purchased a property in S.No.1019/4 measuring to an extent of 0.93.0 Ares



situated at Karumanthurai Village, Chinna Kalrayanmalai, Vadakku Nadu, Pethanaickanpalayam Taluk from one Adhullah, Annamalai Moopan and Annamalai vide registered Sale Deed Document No.805 of 1969 dated 27.08.1969. Thereafter, the petitioner's grandfather settled the said property to the petitioner vide registered Will Document No.282 of 2011 dated 22.09.2011. While so, when the petitioner applied for Patta to the said property, he came to know that already Patta to the said property has been granted in the name of second respondent. Hence, the aggrieved petitioner gave a detailed representation dated 19.07.2022 to the first respondent for cancellation of Patta which was granted in the name of second respondent and issue Patta in his name on the basis of Sale Deed Document No.805 of 1969 dated 27.08.1969 and Will Document No.282 of 2011 dated 22.09.2011. After receiving his representation, the first respondent vide summon dated 01.08.2022 called upon the petitioner for enquiry. On receipt of said summon, petitioner has appeared before the first respondent for enquiry on 29.08.2022 and



gave a detailed statement. Even after the completion of enquiry, the first respondent has not yet passed any order on petitioner's representation. Therefore, the petitioner has filed the present writ petition before this Court for the relief stated *supra*.

4. The learned counsel for the petitioner submitted that the Will Document No.282 of 2011 dated 22.09.2011 itself clearly shows that the petitioner is the owner of the subject property. While so, Patta of the subject property was wrongly granted in the name of second respondent. Though petitioner gave a representation to the first respondent for cancellation of Patta which was granted in the name of second respondent, till date, no action has been taken on his representation. Therefore, the learned counsel prayed that appropriate direction may be issued to the first respondent to consider the petitioner's representation as per Section 10 of the Tamil Nadu Patta Passbook Act 1983 and pass appropriate orders on the same, within a time frame as stipulated by this Court.



5. Since no adverse order is being passed against the second respondent, notice to the second respondent is dispensed with.

6. Heard the learned counsel for the petitioner and perused the materials placed before this Court.

7. Considering the limited relief sought by the petitioner in this writ petition, this Court, without going into the merits of the case, directs the first respondent to consider the petitioner's representation dated 19.07.2022 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner as well as to the second respondent.

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



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mrr

Index : Yes/No

Copy to

The Tahsildar,
Tahsildar Office,
Pethanaicken Palayam Taluk,
Salem District.

M.DHANDAPANI, J.

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