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W.P.No.30040 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI
W.P.No.30040 of 2022

E.Selvapperumal

... Petitioner

Vs

- 1.The Secretary,
Department of Revenue and Disaster Management,
Secretariat, Fort St.George,
Chennai – 600 009.
- 2.The District Collector,
Thiruvallur District,
Thiruvallur – 602 001.
- 3.The Tahsildar,
Uthukottai Taluk,
Uthukottai & PO,
Thiruvallur District - 602 026.
- 4.The Village Administrative Officer,
Tharakshi Village,
Uthukottai Taluk,
Thiruvallur District – 602 026.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for Writ of Mandamus, directing the 3rd respondent to dispose of the representation dated 23.07.2022 made by the petitioner to the respondents.



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W.P.No.30040 of 2022

For Petitioner : Mr.T.E.Ekambaram

For Respondents : Mr.T.K.Saravanan
Government Advocate

ORDER

This Writ Petition has been filed to direct the 3rd respondent to dispose of the representation dated 23.07.2022 made by the petitioner to the respondents.

2.The learned counsel appearing for the petitioner would submit that, the petitioner is the owner of the agricultural land measuring an extent of 0.32.0 Ares in S.No.149/2 and an extent of 0.39.0 Ares of land in S.No.151/1B situated at Tharakshi Revenue Village, Uthukottai Taluk, Thiruvallur District under Patta No.272. While so, the 3rd respondent without giving an opportunity of hearing to the petitioner deliberately transferred the patta in respect of the above said property to third party vide his proceedings in No.2021/01/08/000133SD dated 08.07.2021 and proceedings T.R.No.2022/01/08/000199SD dated 18.07.2022. Thereafter, the petitioner gave a representation dated 23.07.2022 to the 3rd respondent. However, till date no order was passed. Hence, the petitioner has filed the



present Writ Petition.

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3.Learned counsel for the petitioner would submit that once the patta is issued under Section 3 of the Tamil Nadu Patta and Passbook Act, the said patta can be modified or rectified only in terms of Section 10 of the Act, 1983, after issuing notice to the original pattadhars. However, in the present case, without complying the said provision, the 3rd respondent mutated the Revenue Records in favour of the third party without any valid document is not a sustainable one. Hence, this Court may issue direction to the 3rd respondent to consider the petitioner's representation dated 23.07.2022 and pass appropriate orders in terms of Section 10 of the Tamil Nadu Patta Passbook Act, 1983.

4.Learned Government Pleader appearing for the respondent would submit that though the petitioner claim that he is the owner of the property in agricultural land measuring an extent of 0.32.0 Ares in S.No.149/2 and an extent of 0.39.0 Ares of land in S.No.151/1B situated at Tharakshi Revenue Village, Uthukottai Taluk, Thiruvallur District under Patta No.272 Subsequently, the said patta was transferred in the name of the third parties. However, the said third party is not impleaded as a party to this



W.P.No.30040 of 2022

WEB COPY

Writ Petition. Without impleading the party respondent, filing the present Writ Petition is not a sustainable one. However, the petitioner's application dated 23.07.2022 will be decided in terms of Section 10 of the Tamil Nadu Patta Passbook Act, 1983, after issuing notice to the petitioner as well as the aggrieved persons if any.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record before this Court.

6. Though the beneficiary of the patta was not impleaded as a party in this Writ Petition, however, considering the limited request made by the learned counsel appearing for the petitioner, this Court issues direction to the 3rd respondent to consider the petitioner's application dated 23.07.2022 in terms of Section 10 of the Tamil Nadu Patta Passbook Act, 1983, after issuing notice to the petitioner as well as the aggrieved persons, if any. This writ petition is accordingly disposed of. No costs.

14.11.2022



W.P.No.30040 of 2018

Index : Yes/No
Speaking Order : Yes/No
gba

To

- 1.The Secretary,
Department of Revenue and Disaster Management,
Secretariat, Fort St.George,
Chennai – 600 009.
- 2.The District Collector,
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Thiruvallur – 602 001.
- 3.The Tahsildar,
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W.P.No.30040 of 2022

M.DHANDAPANI,J.

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W.P.No.30040 of 2022



WEB COPY



W.P.No.30040 of 2022

14.11.2022