IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

WP.No.29206 of 2022

S.Baskaran .. Petitioner

Versus

1.The Revenue Divisonal Officer
Guindy, South Chennai
Chennai – 600 032

2.V.Saroja .. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to forthwith consider and pass orders on the appeal of the petitioner dated 17.10.2022.

For Petitioner	:	Mr.K.Selvaraj
For Respondents	:	Mr.U.Baranidharan for R1 Additional Government Pleader

ORDER

This writ petition is filed seeking for the issuance of Writ of Mandamus to direct the first respondent to forthwith consider and pass orders on the appeal of the petitioner dated 17.10.2022.

2. The case of the petitioner is that petitioner claims that he is owner of the property measuring 2024 sq.ft (5 cents) in Survey No.183-Part, Block No.61, T.S.No.45 at Vembuli Amman Koil Street, Thiruvanmiyur Village. To the southern side of the property is measuring only 1744 sq.ft., wherein, the second respondent purchased 1692 sq.ft. It is the grievance of the petitioner that the second respondent has obtained patta to an extent of 2313 sq.ft., covering the lands of the petitioner and forcing the petitioner evict the petitioner. Hence,the petitioner filed an appeal on 17.10.2022, before the first respondent seeking for cancellation of patta, which is pending without consideration till date. Hence, this petition.

3. After some submssions, the learned counsel for the petitioner pleaded that this Court may issue a direction to the jurisdictional Tahsildar under Section 10 of the Tamil Nadu Patta Passbook Act, 1983 seeking to modification of entries in the patta passbook within a reasonable time as fixed by this Court.

4. The learned Additional Government Pleader submitted that he has no serious objection with regard to the prayer as sought by the petitioner.

5. It is to be noted that Section 10 of the Tamil Nadu Patta Passbook Act, 1983 contemplates that the Tahsildar is the competent authority to modify the entries in the patta pass book. The first respondent namely Revenue Divisional Officer is not the competent authority to make necessary corrections in the patta as contemplated in Tamil Nadu Patta Passbook Act, 1983.

6. Considering the facts and circumstances of this case, this Court, without going into the merits of this case, permits the petitioner to file a fresh representation to the jurisdictional Tahsildar within a period of two weeks, if such representation is being filed, the jurisdictional Tahsildar is directed to pass appropriate order(s) on merits and in accordance with law, after providing opportunity of hearing to the petitioner as well as any other interested parties within a period of twelve weeks from the date of receipt of a copy of this Order.

7. In view of the above directions, this writ petition stands disposed of. No costs.

07.11.2022

dhk
Index:Yes/No

M.DHANDAPANI, J.

dhk

To

The Revenue Divisonal Officer
Guindy, South Chennai
Chennai – 600 032

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