



W.P.No.31818 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.31818 of 2022 and
W.M.P.No.31280 of 2022

S.Selvi

... Petitioner

VS.

1. The Revenue Divisional Officer,
Sriperumbudur,
No.6/114, pattnoolchathram,
Sriperumbudur,
Tamil Nadu – 602 105.

2. Tahsildar,
Kundrathur,
Chennai – 600 0069.

3. Executive Officer,
Arulmigu Kuzhaliyamman Swamy Alayam,
Manapakkam.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the second respondent to restore Patta Nos.2583 & 2584 with respect of property situated at survey No.17 in Kolappakam Village, Sriperumbudur Taluk, Kanchipuram District, in favour



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of the petitioner.

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For Petitioner : Mr.Adithya Reddy

For R1 and R2 : Mr.U.Bharanidharan
Additional Government Pleader

For R3 : Mr.N.R.R.Arun Natarajan
Special Government Pleader

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus to direct the second respondent to restore Patta Nos.2583 & 2584 with respect of property situated at survey No.17 in Kolappakam Village, Sriperumbudur Taluk, Kanchipuram District, in favour of the petitioner.

2. It is the case of the petitioner that originally the property in S.No.17 situated in Kolappakam Village, Sriperumbudur Taluk, Kanchipuram District belonged to one Kuzhaliammal i.e., petitioner's mother-in-law. After her demise the property devolved upon her three sons. One of the sons namely Subramani i.e., petitioner's husband settled his brothers and obtained registered release deeds from them in respect of their 2/3rd share of



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the property. Hence, said Subramani became the absolute owner of the above said property and the patta stood in the name of said Kuzhaliammal.

During the year 2013, said Subramani settled the above said property in favour of the petitioner. Thereafter, patta in respect of the above said property was transferred in the name of the petitioner. Suddenly on 23.11.2022, one of the family members of the petitioner were informed through a phone call from the third respondent stating that the third respondent / Temple is the owner of the subject property. However, while checking the status of the patta with respect of the subject property, the petitioner came to know that transfer of patta has been effected in favour of the Temple. Aggrieved over the same, the present writ petition has been filed.

3. Learned counsel for the petitioner submits that as per the Tamil Nadu Patta Passbook Act, 1983 (in short the Act), if the Patta has been issued in terms of Section 3 of the Act, the modification / rectification of entries in the Patta can be made only after following the procedure under Section 10 of the Act and without doing so, the second respondent has no



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authority to cancel the Patta issued in favour of the petitioner and transferring the same in favour of the third respondent.

4. Learned counsel appearing for the respondents submitted that admittedly the above said property belonged to the third respondent / Temple and the petitioner clandestinely obtained Patta in her favour which was cancelled and if at all the petitioner has any grievance, he should have presented a written or oral representation before the second respondent in terms of Section 10 of the Act. Without doing so, filing a mandamus before this Court seeking mere direction to restore the Patta in respect of the above said property in favour of the petitioner which is *per se* unsustainable. Accordingly he prayed for dismissal of the present Writ Petition.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. It is the claim of the petitioner that she is the owner of the above said property and the Patta in respect of the same was also issued in favour of the petitioner in Patta No.2583 and 2584. Further, it is pointed out by the



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learned counsel for the petitioner that as per the aforesaid Act, if the Patta is granted in terms of Section 3 of the Act, modification or cancellation of the same has to be effected only after following the procedure contemplated u/s 10 of the Act and without doing so, cancelling the Patta issued in favour of the petitioner and transferring the same in favour of the third respondent is not sustainable, while, learned counsel appearing for the respondents claims that the third respondent is the owner of the above said property and the petitioner clandestinely obtained patta in her favour and if at all the petitioner has any grievance she should submit a representation before the second respondent in terms of Section 10 of the Act, without availing such remedy, filing the present writ petition is not sustainable.

7. Considering the facts and circumstances of the case in order to resolve the issue between the parties, this Court directs, the second respondent to conduct enquiry between the petitioner and the third respondent in terms of Section 10 of the Act and the parties concerned are directed to produce necessary documents before the second respondent within a period of two weeks from the date of receipt of a copy of this order,



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after which the second respondent / Tahsildar is directed to pass appropriate orders within a period of six weeks thereafter.

8. With the above observation and directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

28.11.2022

RAP

Index : Yes/No

Speaking order : Yes/No

To:

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M.DHANDAPANI, J.

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