



WEB COPY



W.P.No.32504 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.32504 of 2022

A.C.Selvam

... Petitioner

Vs

1.The District Revenue Officer,
Tirupattur District,
Tamil Nadu – 635 601.

2.The Revenue Divisional Officer,
Tirupattur District,
Tamil Nadu – 635 601.

3.The Tahsildar,
Natrampalli Taluk, Tirupathur District,
Tamil Nadu – 635 852.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents more particularly the 2nd and 3rd respondents to process the application for modification of patta and issue modified patta including the extent of 646 sq.ft. (0.05 are) in terms of the application of the petitioner.

For Petitioner : Mr.C.Johnson

For Respondents : Mrs.Akila Rajendran
Government Advocate



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ORDER

The prayer sought for in this writ petition is for a Writ of Mandamus directing the respondents more particularly the 2nd and 3rd respondents to process the application for modification of patta and issue modified patta including the extent of 646 sq.ft. (0.05 are) in terms of the application of the petitioner.

2. In respect of property at S.No.400/3C3 at Adhiperamanoor Village, Natrampalli Taluk, Tirupathur District, the petitioner after getting a declaratory decree from the competent Civil Court to get patta or to make a modification in the patta already been issued in the name of the petitioner, had given an application to the Tahsildar concerned on 01.02.2022 i.e. the 3rd respondent, who instead of considering the same and to pass orders under Section 10 of the Patta Passbook Act, seems to have forwarded the same to the 2nd respondent/Revenue Divisional Officer.

3. However in the communication dated 19.08.2021, the 1st respondent/District Revenue Officer has stated that since the land in dispute has been shown as 'Natham Vazhi Niluvai' and for these kind of lands power is vested only with the Revenue Divisional Officer concerned to pass orders,



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therefore he seems to have forwarded the plea of the petitioner to the 2nd respondent/Revenue Divisional Officer.

4. Now neither the Tahsildar nor the Revenue Divisional Officer since have passed orders and it has been kept pending, the petitioner has moved the present writ petition with the aforestated prayer.

5. Heard Mr.C.Johnson, learned counsel appearing for the petitioner who having reiterated the aforestated would seek indulgence of this Court.

6. Heard Mrs.Akila Rajendran, learned Government Advocate appearing for the respondents who would submit that, since the power is vested only with the Revenue Divisional Officer in view of the type of the land which is in dispute, for which the petitioner has sought for patta or modification in the patta already issued, this has to be decided only by the 2nd respondent/Revenue Divisional Officer who would decide the said issue on merits and in accordance with law within a time frame that may be stipulated by this Court.

7. In view of the stand taken by the respondents as reflected in the



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communication dated 19.08.2021 and after hearing the learned Government

Advocate appearing for the respondents, this Court is inclined to dispose of this writ petition with the following orders:

That there shall be a direction to the 2nd respondent to consider the application submitted by the petitioner dated 01.02.2022 and pass orders thereon on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order. In this regard, if any further input is to be received from the petitioner, the 2nd respondent can issue a notice to the petitioner, who on receipt of the same, shall provide the particulars if any asked for by the 2nd respondent and thereafter the needful as indicated above shall be undertaken by the 2nd respondent.

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

05.12.2022

Index : Yes / No
Speaking Order : Yes / No
Sgl



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To

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R. SURESH KUMAR, J.

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