



W.P.No.33598 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.33598 of 2022

Matharayan

... Petitioner

-Vs-

1. The District Revenue Officer,
Namakkal,
Namakkal District.

2. The Revenue Divisional Officer,
Namakkal, Namakkal District.

3. The Tahsildar,
Rasipuram Taluk,
Namakkal District.

... Respondents

Prayer : Writ Petitions under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to impugned order in File No.2019/0103/09/138634 dated 12.07.2022 of the 3rd respondent quash the same and consequently, direct the respondents to include my name in patta for the properties in S.F.Nos.126/2, 126/3, 126/5, 126/6, 127/1A, 127/1B, 127/2A, 127/2B, 127/3A, 127/3B of Vadugam Village, Rasipuram Taluk, Namakkal District based on my application dated 07.05.2019 reminder dated 13.07.2020 and 28.11.2022.



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For Petitioner : Mr.R.Prabakar
For Respondents : Mr. Yogesh Kannadasan
Special Government Pleader

ORDER

The prayer sought for in this writ petition is for a writ of certiorarified mandamus to quash the impugned order passed by the third respondent in File No.2019/0103/09/138634 dated 12.07.2022 and consequently, direct the respondents to include the petitioner name in patta for the properties in S.F.Nos.126/2, 126/3, 126/5, 126/6, 127/1A, 127/1B, 127/2A, 127/2B, 127/3A, 127/3B of Vadugam Village, Rasipuram Taluk, Namakkal District based on his application dated 07.05.2019 reminder dated 13.07.2020 and 28.11.2022.

2. In respect of the lands at various survey numbers in Vadugam Village, Rasipuram Taluk, Namakkal District, the petitioner had made an application to get patta. The said application has been rejected through the order of the Tahsildar concerned, who is the third respondent herein by order dated 12.07.2022, which is impugned in this writ petition.



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3. Heard Mr.R.Prabakar, learned counsel appearing for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents.

4. The order is very short and the cryptic order passed by the Tahsildar, which rejected the plea of the petitioner for no reason. In fact the order simply says that the application of the petitioner for getting patta to various survey numbers has been rejected for the reason “rejected”. It is very strange to have such a reason from the officer like the Tahsildar, who is empower to issue patta under the provisions of the Tamil Nadu Patta Passbook Act, 1983.

5. The order impugned clearly establishes that, absolutely without any application of the mind, since the order has been passed by the Tahsildar, this Court has no hesitation to hold that the impugned order would not stand in the legal scrutiny, therefore, the said order which is impugned herein is liable to be interfered with. Accordingly, this Court is inclined to pass the following orders:

- ◆ That the impugned order is set aside and the matter is



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remitted back to the third respondent, who shall consider the same on merits and in accordance with law and in this regard, if at all any report is received from Village Administrative Officer concerned or Revenue Inspector concerned, that reports shall be furnished to the petitioner and thereafter, after giving an opportunity of being heard to the petitioner, the application submitted by the petitioner for issuance of patta shall be considered and decided.

- ◆ The aforesaid needful shall be undertaken by the third respondent Tahsildar within a period of six(6) weeks from the date of receipt of a copy of this order.

6. With these directions, this Writ Petition is ordered accordingly.

No costs.

14.12.2022

Index : Yes/No
Speaking order: Yes/No

mp



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WEB COPY To

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WEB COPY



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R. SURESH KUMAR, J.

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