



W.P.(MD)No.23751 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.10.2022

CORAM

THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.23751 of 2022

S.Saravanan, S/o.R.Selvaraj,
Founder,
M/s.Meenachi Chettiar & Sons Trust,
4/113, First Floor, West Street,
Sankaralingapuram Post,
Virudhunagar District – 629 119.

.. Petitioner

Versus

- 1.The District Collector,
District Collectorate Office Complex,
Virudhunagar District,
Virudhunagar.
- 2.The District Revenue Officer,
The Collectorate Complex,
Virudhunagar District,
Virudhunagar.
- 3.The Revenue Divisional Officer,
The Revenue Divisional Office,
Aruppukkottai,
Virudhunagar District.
- 4.The Revenue Tahsildar,
The Revenue Tahsildar Office,
Madurai Road,
Virudhunagar District.
- 5.The Village Administrative Officer,
The Village Administrative Office,
Sankaralingapuram Post,
Virudhunagar District.

.. Respondents



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Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the third respondent to dispose of the petitioner's appeal petition, dated 08.08.2022, pending before him under Section 12 of the Patta Pass Book Act, 1983, on merits and in accordance with law, within a time frame to be fixed by this Court.

For Petitioner : Mr.L.Prabhu

For Respondents : Mr.D.Gandhiraj
Special Government Pleader

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the third respondent to dispose of his appeal petition, dated 08.08.2022, pending before him under Section 12 of the Tamil Nadu Patta Pass Book Act, 1983 [hereinafter referred to as "the Act"], on merits and in accordance with law, within a time frame to be fixed by this Court.

2.Heard Mr.L.Prabhu, learned counsel appearing for the petitioner, Mr.D.Gandhiraj, learned Special Government Pleader, who takes notice for the respondents. By consent of both sides, the Writ Petition is taken up for final disposal at the admission stage itself.

3.According to the petitioner, he is the Founder of Meenachi Chettiar & Sons Trust and the property, consisting of a house and vacant land, comprising in Old S.No.950, New Survey No.1643/12, measuring an extent of 367.06



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sq.mt. [3951 sq.ft.], was registered in its name, vide Document No.2293 of 1937, dated 23.12.1937. While updating the revenue records under the UDR Scheme, the land comprising in earlier S.No.950 was sub-divided into two sub-divisions and the sub-division of property, comprising in S.No.1643/12, measuring an extent of 145 sq.mt. out of total extent of 367.06 sq.mt. has been changed by the then President of the Trust namely, K.Somasundaram (late), by committing mischief and Patta was also changed in his name without getting any approval from the Trust with ulterior motive and the other sub-division of the property, measuring an extent of 222.06 sq.mt., comprising in S.No. 1643/25, is vested with the petitioner's Trust.

4.Further, the aforesaid entire extent of the property is in possession and enjoyment of the said Trust. The petitioner has filed an appeal before the third respondent on 08.08.2022, seeking to cancel Patta No.531, measuring an extent of 145 sq.mt. out of the total extent of 367.06 sq.mt. obtained by the said Somasundaram. The petitioner has already sent a detailed representation, dated 04.12.2021, to the fourth respondent for making necessary modification of entries in the Patta Pass Book as per the Act. The above said Somasundaram was not having any title over the said property and since he died, his wife is refusing to grant No Objection Letter with *mala fide* intention in order to change the Patta in the name of the Trust. A legal opinion dated



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03.12.2021, has also been obtained stating that the Patta, which was issued in the name of Somasundaram, can be changed in the name of the Trust. Since the property of the Trust solely belongs to the petitioner's forefathers, due opportunity must be given to the petitioner to put forth the concerned documents to establish that the land belongs to the Trust.

5.The petitioner submitted that enquiry must be conducted by the respondents 3 and 4 afresh and opportunity may also be given to him to substantiate the documents. The petitioner has sent a representation dated 12.09.2021, to the third respondent and based on the said representation, enquiry summon dated 13.10.2022, was issued by the third respondent, directing the petitioner to appear before him on 23.12.2021 at 11.00 am., along with the relevant documents, but, unfortunately, the enquiry was cancelled by him. Thereafter, the petitioner sent another representation dated 04.12.2021, based on which, the third respondent issued enquiry summon dated 23.03.2022, directing the petitioner to appear for enquiry on 08.04.2022 at 11 am. Accordingly, the petitioner appeared and submitted the entire records and documents pertaining to the property of the Trust, in order to satisfy them that the property belongs to the Trust and the Patta can be granted to the entire extent of the property. Thereafter, the third respondent sent a communication letter to the fourth respondent, vide his proceedings in Na.Ka.Aa.4/8127/2021,



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dated 27.04.2022, directing him to submit a detailed report. However, no report has been sent by the fourth respondent so far. Subsequent to the enquiry conducted by the third respondent, dated 08.04.2022, the petitioner preferred an appeal dated 08.08.2022, before the third respondent. However, the said appeal has not been disposed of by him on merits and in accordance with law. Hence, the petitioner seeks the intervention of this Court.

6.The learned Special Government Pleader appearing for the respondents, on instructions, submitted that the petitioner's appeal, dated 08.08.2022, would be considered and appropriate orders would be passed by the third respondent, after giving an opportunity of hearing to all the necessary parties concerned, within a time frame.

7.Recording the above said submission made by the learned Special Government Pleader appearing for the respondents, this Court, without going into the merits of the case, directs the third respondent to consider the petitioner's appeal, dated 08.08.2022 and pass appropriate orders on merits and in accordance with law, after providing an opportunity of hearing to all the necessary parties concerned, within a period of 12 weeks from the date of receipt of a copy of this order.



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8.This Writ Petition stands disposed of with the above direction. No costs.

Index : Yes/No
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V.BHAVANI SUBBAROYAN, J.

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