



WEB COPY



W.P. No.3617 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2023

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. No.3617 of 2023

1.Siva Selva Rajan
2.Durai
3.Pandian

... Petitioners

Vs.

1.The District Collector,
Veppanthattai Taluk,
Perambalur District.

2.The Revenue Division Officer,
Veppanthattai Taluk,
Perambalur District.

3.The Tahsildar,
Veppanthattai,
Veppanthattai Taluk,
Perambalur District.

4.Pichaipillai

5.Periyasamy

6.Rajendran

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 2nd and 3rd respondents to conduct an enquiry on the representation of the petitioner dated 26.08.2022.



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For Petitioners : Mr.G.Ilamurugu

For Respondents : Mr.Yogseh Kanndasan
Spl. Government Pleader for R1 to R3

ORDER

The prayer sought for herein is for a writ of mandamus directing the 2nd and 3rd respondents to conduct an enquiry on the representation of the petitioner dated 26.08.2022.

2. In respect of patta which was issued in the name of the petitioners and two others viz., Raman and Lakshmi, the petitioners had no grievance that it was a joint patta issued in respect of property at Survey No.205/9C in Anukkoor Village, Veppanthattai Taluk, Perambalur District in Patta No.2961. Subsequently without giving any notice to the petitioners, patta has been changed and it was issued solely in the name of one Govindan in Patta No.3038 before issuance of the said patta under Section 10(1) of the Patta Passbook Act no notice has been given and it was issued behind the back of the petitioners, therefore for cancelling the said patta and to issue patta jointly in the name of the petitioners and others as originally stood, the 2nd petitioner had given a representation to the respondents on 26.08.2022, despite the same since



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no orders have been passed, the petitioners have moved the present writ petition.

3. Heard Mr.G.Ilamurugu, learned counsel appearing for the petitioners, who having reiterated the same seeks indulgence of this Court.

4. Heard Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for respondents 1 to 3 and in view of the order going to be passed in this writ petition, notice to the private respondents is hereby dispensed with.

5. The learned Special Government Pleader for the official respondents would submit that, the said representation would be treated as an appeal within the meaning of Section 12 of the Patta Passbook Act, by the 2nd respondent Revenue Divisional Officer and accordingly the grievance of the petitioners would be enquired into and after giving notice to both the petitioner as well as the private respondents, the issue would be decided on merits and in accordance with law within a time frame.



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6. Considering the said submission made by the learned Special Government Pleader for the official respondents, this Court is inclined to dispose of this writ petition with the following orders:

There shall be a direction to the 2nd respondent Revenue Divisional Officer to consider the representation of the 2nd petitioner dated 26.08.2022 treating it as an appeal under Section 12 of the Patta Passbook Act and accordingly decide the same on merits and in accordance with law, of course after giving an opportunity of being heard to both the petitioners as well as the private respondents, within a period of eight weeks from the date of receipt of a copy of this order.

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

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Index : Yes / No

Speaking Order : Yes / No

Sgl

To



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R.SURESH KUMAR, J.

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