



W.A.No.111 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2023

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

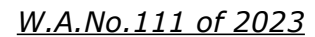
Writ Appeal No.111 of 2023

B.Jayam

.. Appellant

Vs.

1. The Collector
Collectorate
District Collector Office
Sriperumbudur.
2. The Revenue Divisional Officer
No.6/114, Pattnoolchathram
Sriperumbudur
Tamil Nadu 602 105.
3. Tahsildar
Sriperumbudur Taluk
Ramanujar Nagar
Sriperumbudur
Tamil Nadu 602 105.
4. Taluk Surveyor
Sriperumbudur Taluk
Kancheepuram District.



.. Respondents

For the Appellant : Mr.J.Ravikumar

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for Respondents 1 to 4

(Delivered by the Hon'ble Acting Chief Justice)

2. The writ petition was filed by the appellant seeking a direction to the second respondent to cancel the patta issued to the respondents 5 to 7, by the third respondent. The learned Single Judge dismissed the said writ petition with liberty to the appellant to file a



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fresh application before the third respondent in terms of the Tamil Nadu Survey and Boundaries Act, 1923.

3. Learned counsel appearing for the appellant, referring to Section 12 of the Tamil Nadu Patta Pass Book Act, 1983, contended that the direction given by the learned Single Judge to approach the third respondent in terms of the Tamil Nadu Survey and Boundaries Act, 1923, is unsustainable and untenable as it would not apply to the instant case.

4. Learned State Government Pleader appearing for the official respondents, agreeing with the contention of learned counsel for the appellant, submitted that once a person is aggrieved by the grant of patta by the Tahsildar, an appeal can be filed before the Revenue Divisional Officer as per Section 12 of the Act of 1983.

5. Section 12 of the Act of 1983 reads as under:

"Appeal.- Any person aggrieved by an order made by the Tahsildar under this Act may, within such period as may be prescribed, appeal to such authority as may be prescribed



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*and the decision of such authority on such appeal shall
subject to the provisions of section 13, be final."*

6. A bare reading of Section 12 of the Act makes it clear that if the appellant is aggrieved by the grant of patta, she can file an appeal before the second respondent. But, the appellant has made a representation to the first respondent, which was, in turn, forwarded to the second respondent, who directed the third respondent to decide the issue. Hence, the second respondent is directed to consider the representation of the appellant and pass appropriate orders, after issuing notice to all the parties concerned, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

7. The writ appeal is disposed of accordingly. There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
08.02.2023



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T.RAJA, ACJ,
and
D.BHARATHA CHAKRAVARTHY,J

(kpl)

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