



W.P.No.4368 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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Kalaivani

...Petitioner

Vs

- 1.The Secretary,
Department of Rural Development and Panchayat Raj,
Secretariat, Chennai-9.
- 2.The Commissioner of Land,
Land Administration Department,
2nd Floor, Ezhilagam,
Chepauk, Chennai-5.
- 3.The District Collector,
Salem District, Salem.
- 4.The Revenue Divisional Officer,
O/o The Revenue Divisional Officer,
Mettur, Salem District.
- 5.The Assistant Director (Panchayat/Audits),
Combined Campus of the
District Collector Office, Salem.
- 6.The Tahsildar,
Omalur Taluk,
Salem District.



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7.The Block Development Officer,
Omalur Panchayat's Union Block,
Omalur Taluk, Salem.

8.The President/
The Executive Officer,
Kamalapuram Village Panchayat,
Omalur Taluk,
Salem District.

9.Susila

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the fourth respondent to cancel the patta bearing patta passbook No.405 on the file of sixth respondent and to remove the name of the ninth respondent and restore to the same to eighth respondent as per the registered Document No.5592/2020 on the file of the Sub Registrar, Omalur Taluk, Salem District for the purpose of common pathway and passage facility pursuance to the petitioner's representation dated 05.01.2023.

For Petitioner : Mr.G.Prabhu
For Respondents : Mr.P.Sathish,
Additional Government Pleader
for R1 to 8
No appearance for R9
***Mr.N.Subramanian** for R9

ORDER

***"Heard Mr.G.Prabhu, learned counsel for the petitioner; Mr.P.Sathish, learned Government Advocate for respondents 1 to 8 and Mr.N.Subramanian, learned counsel for the 9th respondent."**



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Heard Mr.G.Prabhu, learned counsel for the petitioner and Mr.P.Sathish, learned Government Advocate for respondents 1 to 8. There is no representation for the ninth respondent.

2.The grievance of the petitioner is that her representation seeking for cancellation of patta bearing Patta Passbook No.405 and for removal of the name of the ninth respondent, has not been considered in time. Hence, she has preferred the present Writ Petition.

3.The learned Additional Government Pleader submitted that the relevant form, namely Form VI, has now been uploaded in the Registration Department's website and that the petitioner can apply through online, for rectification of entries.

4.The Tamil Nadu Patta Pass Book Act prescribes the mode of making an application for carrying out modifications of entries in the patta pass book to be in Form VI, as specified under Section 10 of the Tamil Nadu Patta Pass Book Act, 1983 [hereinafter referred to as 'the Act'], read with Rule 12 of the Tamil Nadu Patta Pass Book Rules, 1987 [hereinafter referred to as 'the Rules'].



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5.This Court is of the view that if the petitioner is granted liberty to make an appropriate online application under the relevant form, within 30 days, with a consequential direction to the Tahsildar to consider the said application in accordance with the procedure contemplated under the relevant Act and Rules, the ends of justice could be secured.

6.In the light of the above observations, the petitioner herein is granted liberty to make an application in Form VI through online, as specified under Section 10 of the Act, read with Rule 12 of the Rules, within a period of 30 days from the date of receipt of a copy of this order, if not already made. On receipt of such an application, the official respondents herein shall consider it on its own merits and in accordance with the procedure contemplated under the Tamil Nadu Patta Pass Book Act, as well as the Tamil Nadu Patta Pass Book Rules and take a final decision, after giving notice to the petitioner, ninth respondent as well as all the other persons who may be interested in the title/possession of the subject property, within a period of 12 weeks from the date of receipt of the online application (or) from the date of receipt of a copy of this order,



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if the online application has already been made and is pending.

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7. With the above directions, the Writ Petition stands disposed of.

No costs.

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Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order

vga

*** corrected as per order of
this Court dated 15.06.2023
and made in W.P.No.4368 of 2023.**

To

1. The Secretary,
Department of Rural Development and Panchayat Raj,
Secretariat, Chennai-9.
2. The Commissioner of Land,
Land Administration Department,
2nd Floor, Ezhilagam,
Chepauk, Chennai-5.
3. The District Collector,
Salem District, Salem.
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- 6.The Tahsildar,
Omalur Taluk,
Salem District.
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M.S.RAMESH, J.

Today the matter is listed under the caption “ for being mentioned.”

2. Learned counsel for the petitioner submits that in the cause title and in the first paragraph of the order dated 19.04.2023, it is mentioned as “ No appearance for R.9” and “there is no representation for the 9th respondent” respectively. He would submit that the ninth respondent is represented by the learned counsel Mr.N.Subramanian.

3. In view of the above submission, in the order dated 19.04.2023, the appearance of the 9th respondent shall be marked and the first paragraph of the order is substituted as under:

*“ Heard Mr.G.Prabhu, learned counsel for the petitioner;
Mr.P.Sathish, learned Government Advocate for respondents 1 to
8 and Mr.N.Subramanian, learned counsel for the 9th
respondent.”*

4. Registry is directed to carry out the correction and issue fresh copy to the parties.

15.06.2023

sr