



WEB COPY



WP.No.3585 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2023

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUIMAR

WP.No.3585 of 2023

R.Karthik Kumar

.. Petitioner

Versus

1.The Sub-Collector
Hosur
Krishnagiri District

2.The Thasildar
Soolagiri Taluk
Krishnagiri District

3.R.Subramani

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent herein to dispose of the petitioners appeal dated 09.01.2023 filed for cancelling the patta issued in the name of the 3rd respondent herein and to issue patta in his name in respect of his lands measuring 0.02 cents in S.F. No. 70 / 1A2 situate at Nallakanakothapalli Village, Soolagiri Taluk, Krishnagiri District.

For Petitioner : Mr.K.Govi Ganesan
For Respondents : Ms.Akila Rajendran for R1 & 2
Government Advocate

ORDER

This writ petition is filed seeking for the issuance of Writ of Mandamus

to direct the 1st respondent herein to dispose of the petitioners appeal dated



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09.01.2023 filed for cancelling the patta issued in the name of the 3rd respondent herein and to issue patta in his name in respect of his lands measuring 0.02 cents in S.F. No. 70 / 1A2 situate at Nallakanakothapalli Village, Soolagiri Taluk, Krishnagiri District.

2. The case of the petitioners is that he is the absolute owner of the subject property. When he made application for separate patta, he came to know that the patta No.1429 has been sub-divided as S.F.No.70/1A2A2A and the balance extent of 481 sq.ft was shown in the patta of the third respondent. He filed an appeal before the first respondent on 09.01.2023 requiring to delete the name of the third respondent and the same was not considered. Hence, this writ petition.

3. The learned counsel for the petitioner submitted that this Court may issue a direction to the second respondent under Section 10 of the Tamil Nadu Patta Passbook Act, 1983 seeking to modification of entries in the patta passbook within a reasonable time as fixed by this Court.

4. The learned Government Advocate submitted that she has no serious objection with regard to the prayer as sought by the petitioner.



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5. It is to be noted that Section 10 of the Tamil Nadu Patta Passbook Act, 1983 contemplates that the Tahsildar is the competent authority to modify the entries in the patta pass book. The first respondent namely Sub-Collector is an appellate authority.

6. Considering the facts and circumstances of this case, this Court, without going into the merits of this case, directs the petitioner to make a representation before the second respondent within a period of one month from the date of receipt of a copy of this Order and if any, such representation is being made, the second respondent shall pass order (s) on merits and in accordance with law, after providing opportunity of hearing to the petitioner as well as any other interested parties within a period of two months thereafter.

7. In view of the above directions, this writ petition stands disposed of. No costs.

08.02.2023

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Index : Yes/No

Internet : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No



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N.SATHISH KUMAR, J.

dhk

To

1.The Sub-Collector
Hosur
Krishnagiri District

2.The Thasildar
Soolagiri Taluk
Krishnagiri District

W.P.No.3585 of 2023

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