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W.P.No.4257 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.4257 of 2023
and WMP No.4308 of 2023

K.Uma

...Petitioner

Vs

The Zonal Deputy Tahsildar,
Pappireddypatty Taluk,
Dharmapuri District

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the rejection of the respondent in Application ID 2022/0103/05/173567 dated 08.04.2022 and to quash the same as illegal, incompetent and ultra vires and consequently direct the respondent to issue patta in favour of the petitioner based on the Will dated 10.07.2020 in accordance with law.

For Petitioner : Ms.J.Pradeep
For Respondent : Mr.V.Veluchamy
Additional Government Pleader

ORDER

Heard Mr.J.Pradeep, learned counsel for the petitioner and
Mr.V.Veluchamy, learned Additional Government Pleader for the respondent.



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2. The petitioner claims to have acquired title over the property, measuring 33 cents of land in Survey No.276/2 at Pattukonampatty Village, Pappireddipatty Taluk, Dharmapuri District through a Will executed by her grandfather viz., Angappan in her favour. Her application dated 28.02.2022, seeking for grant of patta was rejected on the ground that patta cannot be granted on the basis of unregistered document.

3. The legal position which stands as on date is that a Will need not be compulsorily registered and therefore, the reason assigned by the respondent that the Will is unregistered cannot be sustained.

4. The learned Additional Government Pleader submitted that the relevant form, namely Form II, has now been uploaded in the Registration Department's website and that the petitioner can apply through online.

5. The Tamil Nadu Patta Pass Book Act prescribes the mode of making an application for issuance of Patta to be in Form II, as specified under Section 3(4) of the Patta Pass Book Act, 1983 [hereinafter referred to as 'the Act'], read with Rule 3(2) of the Tamil Nadu Patta Pass Book Rules, 1987



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[hereinafter referred to as 'the Rules'], within a period of 30 days from the date specified in the notice under Section 3(3) of the Act.

6. 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.

7. In the light of the above observations, the petitioner herein is granted liberty to make an application in Form II through online, as specified under Section 3(4) of the Act, read with Rule 3(2) 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 respondent 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, 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



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M.S.RAMESH,J.

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from the date of receipt of the online application (or) from the date of receipt of a copy of this order, if the online application has already been made and is pending.

8. With the above directions, the Writ Petition stands disposed of. No costs.

17.04.2023

Index:Yes/No

Neutral Citation:Yes/No

Speaking order/Non-speaking order

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To

The Zonal Deputy Tahsildar,
Pappireddypatty Taluk,
Dharmapuri District

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