



W.P.No.6241 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2023

CORAM :

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR**

W.P.No.6241 of 2023 and

W.M.P.No.6260 of 2023

1. K.Parvathi Kanniappan
2. G.Venkatesan
3. G.Mani
4. Rathnampal

.. Petitioners

vs

1. The District Collector, Villupuram.
2. The Revenue Divisional Officer  
Villupuram.
3. The Thasildar, Villupuram.

4. V.P.Sarangapani

.. Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the second and third respondents to dispose of the representation dated 27.01.2023 seeking cancellation of patta issued in favour of fourth respondent for Survey No.19/17 situated in Maharajapuram Villupuram Taluk, measuring an extent of 44 cents.

For Petitioners : Ms.R.Sripriya

For Respondents : Mr.Yogesh Kannadasan  
Special Government Pleader  
for respondents 1 to 3

Notice dispensed with  
for respondent 4

ORDER



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The prayer sought for herein is for a writ of Mandamus, directing the second and third respondents to dispose of the representation dated 27.01.2023, seeking cancellation of patta issued in favour of fourth respondent for Survey No.19/17 situated in Maharajapuram Villupuram Taluk, measuring an extent of 44 cents.

2. In respect of the property in Survey No.19/17 situated in Maharajapuram Villupuram Taluk, it is the grievance of the petitioners that patta has been wrongly given in the name of the fourth respondent by the third respondent / Tahsildar.

3. In order to cancel the said patta issued in favour of the fourth respondent, the petitioners preferred an appeal to the District Collector, who in fact, forwarded the same vide his communication dated 02.02.2023 to the third respondent / Tahsildar. Only at that juncture, the present writ petition has been filed, seeking direction to the second respondent / Revenue Divisional Officer to take up the appeal and decide the same in accordance with law within a time frame.

4. Heard Ms.R.Sripriya, learned counsel appearing for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the



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respondents 1 to 3. In view of the order going to be passed in this writ petition,

notice to the respondent 4 is hereby dispensed with.

5. Learned Special Government Pleader would submit that, as against the order passed by the third respondent, issuing patta in favour of the fourth respondent, the petitioners ought to have made an appeal under Section 12 of the Patta Passbook Act to the second respondent / Revenue Divisional Officer, who is an appellate authority. Therefore, if at all any appeal is filed to the second respondent, that can be decided, however, the appeal has not been filed before the second respondent and since it is given to the first respondent, the same is forwarded to the third respondent. The third respondent since have already passed an order, who is the original authority, he cannot take up the appeal and decide it. Hence, the learned Special Government Pleader would submit that, if the petitioners come forward to give an appeal against the order passed by the third respondent to the second respondent / Revenue Divisional Officer, that would be considered and decided on merits and in accordance with law within a time frame that may be stipulated by this Court.

6. Considering the said submissions made by the learned counsel appearing



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for both sides, especially the stand taken by the learned Special Government

Pleader, this Court is inclined to dispose of this writ petition with the following directions:

It is open to the petitioners to make an appeal afresh against the order passed by the third respondent / Tahsildar, issuing patta in respect of the land in question to and in favour of the fourth respondent, to the second respondent and on receipt of such an appeal, the second respondent shall decide the same on merits and in accordance with law, of course, by giving the opportunity of being heard to both the petitioner as well as the fourth respondent within a period of six weeks thereafter.

7. With these directions, the writ petition is disposed of. There will be no order as to costs. Consequently, the connected miscellaneous petition is also closed.

Index: Yes/No  
Neutral Citation :Yes/No  
drm

**02.03.2023**

To



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WEB COPY

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**R. SURESH KUMAR, J.**

(drm)

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