



W.P.No.8157 of 2023

W.P.No.8157 of 2023

M.S.RAMESH,J.

Today, the matter is listed under the caption “for being spoken to”.

2. On consideration of the submission made, the earlier order of this Court dated 23.03.2023 passed in W.P.No.8157 of 2023, shall be deleted and stands substituted as follows:-

With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner herein had given a representation to the respondents on 12.12.2022, seeking for cancellation of patta granted in favour of one Pachaiyammal. Subsequently, the first respondent directed the third respondent to take necessary action on the petitioner's representation on 21.12.2022. Thereafter, the petitioner has once again given a representation to the second respondent on 20.02.2023. Since there was no further progress, the present writ petition has been filed.



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3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 12.12.2022, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as any other person who may be interested in the subject property,



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within a period of twelve (12) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. With the above direction, the Writ Petition stands disposed of. No costs.

20.04.2023

(Note: Registry is directed to substitute the order and issue revised order copy to those concerned)

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20.04.2023



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.8157 of 2023

R.Tharuman

...Petitioner

Vs

1.The District Revenue Officer,
Collectorate Office,
Thiruvannamalai-604404.

2.The Revenue Divisional Officer,
Cheiyyar Division, Cheiyyar,
Thiruvannamalai-604407.

3.The Tahsildar, Vandavasi
Taluk, SH 116, Kottai Moolai,
Vandavasi-604404.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to dispose of the petitioner's representation dated 12.12.2022 within a time frame as stipulated by this Court.

For Petitioner : Ms.G.Kiruthika

For Respondents : Mr.V.Veluchamy
Additional Government Pleader

ORDER



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With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The grievance of the petitioner is that his representation dated 20.02.2023 seeking for cancellation of patta granted in favour of one Mrs.Pachaiyammal has not yet been considered by the second respondent in time and hence, he has preferred the 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.

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 second respondent 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 second respondent 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 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.



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

costs.

23.03.2023

Index:Yes/No

Neutral Citation:Yes/No

Speaking order/Non-speaking order

To

1.The District Revenue Officer,
Collectorate Office,
Thiruvannamalai-604404.

2.The Revenue Divisional Officer,
Cheiyyar Division, Cheiyyar,
Thiruvannamalai-604407.

3.The Tahsildar, Vandavasi
Taluk, SH 116, Kottai Moolai,
Vandavasi-604404.

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23.03.2023