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W.P.No.8283 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.8283 of 2023

N.Saminathan

...Petitioner

Vs

1.The Revenue Divisional Officer,
Susaiyapuram, Tiruppur-641687.

2.The Tahsildar, South Taluk,
Tiruppur-641606.

3.T.Ganesh Kumar

4.C.Hariprasad

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 to conduct enquiry and cancel the Patta issued to Ganeshkumar and Hariprasad in respect of Punja land comprised in Survey No.130/ 1 measuring one Acre and 91 cents situated at Muthanampalayam Village, Palladam Taluk, Thiruppur District pursuant to petitioner's representation dated 04.02.2023 within the time stipulated by this Court.

For Petitioner

: Mr.S.Marshall



W.P.No.8283 of 2023

For Respondents 1 & 2 : Mr.R.P.Murugan Raja,
Government Advocate

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate accepting notice for the official respondents. Since this Court is directing the Tahsildar concerned to consider the petitioner's application after giving notice to all the parties concerned, notice to the private respondents is dispensed with.

2. The grievance of the petitioner is that his representation seeking for transfer of Patta has not been considered in time and hence, he has preferred the present Writ Petition.

3. The learned Government Advocate 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



W.P.No.8283 of 2023

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'].

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 Tahsildar concerned 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



W.P.No.8283 of 2023

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.

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

16.03.2023

Index:Yes/No

Neutral Citation:Yes/No

Speaking order/Non-speaking order

To

1.The Revenue Divisional Officer,
Susaiyapuram, Tiruppur-641687.

2.The Tahsildar, South Taluk,
Tiruppur-641606.

RS/hvk

M.S.RAMESH.J.

RS/hvk



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W.P.No.8283 of 2023

W.P.No.8283 of 2023

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