



W.P.No.8597 of 2023

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M.S.RAMESH,J.

Today, the matter is listed under the caption 'for being mentioned'.

2. By considering the submission made by the learned counsel for the petitioner, the earlier order passed by this Court dated 20.03.2023 shall stand deleted and substituted as follows:

"Heard the learned counsel for the petitioner and the learned Additional Government Pleader accepting notice for the official respondents. Since this Court is directing the first respondent to consider the petitioner's appeal, after giving notice to the third respondent, notice to the said private respondent is dispensed with.

2. The prayer sought for in this Writ Petition is for a direction to the first respondent to cancel Patta No.222 and to restore Patta No.218, by considering



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the petitioner's appeal petition dated 21.12.2020. The said appeal petition has not been disposed of by the first respondent herein till date.

3. It is needless to point out that whenever a statutory appeal is preferred before the Appellate Authority, there is a duty cast on him to dispose of the appeal expeditiously. Non-compliance of such a responsibility would amount to dereliction of duties and this Court would be justified in directing the authority to dispose of the appeal within a stipulated time, in exercise of its powers under Article 226 of the Constitution of India.

4. In the light of the above observations, there shall be a direction to the first respondent herein to dispose of the petitioner's appeal petition dated 21.12.2020, if not already disposed of, after giving



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due opportunity to the petitioner and the third respondent herein, as well as all other persons who may be interested in the subject property, on its own merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

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

24.04.2023

hvk

Note: Issue fresh amended copy to all concerned



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24.04.2023



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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V.Sathish Babu

...Petitioner

Vs

1.The Revenue Divisional Officer,
Hosur, Krishnagiri District.

2.The Tahsildar, Hosur Taluk
Office, Krishnagiri District.

3.S.JagathishBabu

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to cancel the pata No.222 dated 18.5.2007 and to restore the Patta No.218 (present patta No.340) stands in the name of the petitioner in respect of survey No.6/5C on extent of 0.72.0 Hectare (1.78 acres) by considering the petitioner's appeal dated 21.12.2020.

For Petitioner

: Mr.T.Sellapandian

For Respondents 1& 2

: Mr.V.Veluchamy,
Additional Government Pleader



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ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader accepting notice for the official respondents. Since this Court is directing the second respondent to consider the petitioner's application after giving notice to all the parties concerned, notice to the private respondent 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 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



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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 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



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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.

20.03.2023
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Index: Yes/No
Neutral Citation: Yes/No
Speaking order/Non-speaking order

To
1. The Revenue Divisional Officer,
Hosur, Krishnagiri District.

2. The Tahsildar, Hosur Taluk
Office, Krishnagiri District.

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20.03.2023

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