



W.P.No.9700 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.9700 of 2023

A.Sundaram

...Petitioner

Vs

1.The District Collector,
Salem, Salem District.

2.The Revenue Divisional Officer,
Sankari, Salem District.

3.The Tahsildar,
Edapadi Taluk,
Salem District.

4.Gopal

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent to consider the petitioner's representation/appeal dated 06.12.2021 and remove the name of 4th respondent in Patta No.1295 in respect of property in Survey No.364/1A at Nedungulam Village, Edapadi Taluk, Salem District.



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For Petitioner : Mr.M.Elango
For R1 to R3 : Mr.V.Veluchamy,
Additional Government Pleader

ORDER

Heard Mr.M.Elango, learned counsel for the petitioner and Mr.V.Veluchamy, learned Additional Government Pleader for the respondents 1 to 3.

2. Since this Court is directing the petitioner to make appropriate online application with a consequential direction to the third respondent to consider the same, after giving due opportunity to the fourth respondent herein, notice to the fourth respondent is hereby dispensed with.

3. The grievance of the petitioner is that his representation seeking for removing the name of fourth respondent in the patta No.1295 with regard to the property in Survey No.364/1A has not been considered in time and hence, he has preferred the present Writ Petition.



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4. 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, for rectification of entries.

5. 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'].

6. This Court is of the view that if the petitioner herein 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.



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7. 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 and the fourth respondent, 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.

8. With the above directions, the Writ Petition stands disposed of.

No costs.

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Index: Yes/No
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To

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M.S.RAMESH,J.

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