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W.P.No.10046 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.10046 of 2023

Athiya Begum

...Petitioner

Vs

The Tahsildar,
Tondiarpet Taluk Office,
Tondiarpet, Chennai.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to consider the petitioner's application dated 06.10.2022 and 08.03.2023 and issue patta in the name of the petitioner in Old S.No.42, Re-Survey No.1802, Door No.72, Plot No.13 to the extent of 1 ground 60 sq.feet situated at Cockrane Basin Bridge Road, 1st Street, Moolankothalam, Old Washermanpet, Chennai.

For Petitioner : Mr.V.Elangovan

For Respondent : Mr.R.P.Murugan Raja,
Government Advocate



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ORDER

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 her representation seeking for issuance of a Patta has not been considered by the Tahsildar in time and hence, she has preferred the present Writ Petition.

3. The learned Government Advocate submitted that the relevant form, namely Form II, 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 issuance of Patta to be in Form II, as specified under Section 3(4) of the Patta Pass Book Act, 1983 [hereinafter referred to as 'the Act'], read with Rule 3(2) of the Tamil Nadu Patta Pass Book Rules, 1987 [hereinafter referred to as 'the Rules'], within a period of 30 days from the date specified in the notice under Section 3(3) of the Act.



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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 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 II through online, as specified under Section 3(4) of the Act, read with Rule 3(2) 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 respondent herein 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 other persons who may be interested in the title/possession of the subject property, within a period of 8 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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M.S.RAMESH,J.

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

No costs.

31.03.2023

Index:Yes/No

Neutral Citation:Yes/No

Speaking order/Non-speaking order

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To

The Tahsildar,
Tondiarpet Taluk Office,
Tondiarpet, Chennai.

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