



W.P.No.10491 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.10491 of 2023

1.G.Bharathiraja
2.Sathishkumar
3.K.Dhanapal
4.A.Nachimuthu
5.M.Muthusaour
6.R.Vijayakumar

...Petitioners

Vs

1.The Commissioner,
Land Records,
Ezhilagam, Chepauk,
Chennai – 600 005.

2.The District Collector,
Coimbatore District.

3.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Coimbatore [South],
Coimbatore District.

4.The Tahsildar,
Taluk Office, Perur Taluk,
Coimbatore District.



W.P.No.10491 of 2023

5.Arulmigu Alliyuramman &
Muthu Vinayagar Temple,
Madampatti, Coimbatore – 10.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 3 and 4 to grant patta for the properties situated at Coimbatore District, Mathampatti Village, comprised in S.No.195, 280 measuring an extent of 16 acrs 78 cents to petitioner's name and consider and dispose the petitioners' representation dated 07.02.2023.

For Petitioners : Ms.R.Rayeesa Fathima

For R1 to R4 : Mr.P.Sathish
Additional Government Pleader

ORDER

Heard Ms.R.Rayeesa Fathima, learned counsel for the petitioners and Mr.P.Sathish, learned Additional Government Pleader for the respondents 1 to 4.

2. Since this Court is directing the fourth respondent to consider the online application to be submitted by the petitioners for issuance of patta, after giving due opportunity to the fifth respondent, notice to the fifth respondent is hereby dispensed with.



W.P.No.10491 of 2023

WEB COPY

3. The grievance of the petitioners is that their representation seeking for issuance of a Patta has not been considered by the respondents in time and hence, they have preferred the present Writ Petition.

4. The learned Additional Government Pleader submitted that the relevant form, namely Form II, has now been uploaded in the Registration Department's website and that the petitioners can apply through online.

5. 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.

6. This Court is of the view that if the petitioners are granted liberty to make an appropriate online application under the relevant form,



W.P.No.10491 of 2023

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.

7. In the light of the above observations, the petitioners herein are 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 fourth 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 petitioners and the fifth respondent, as well as all 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.



W.P.No.10491 of 2023

WEB COPY

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

No costs.

05.04.2023

Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order

hvk

To

1. The Commissioner,
Land Records,
Ezhilagam, Chepauk,
Chennai – 600 005.
2. The District Collector,
Coimbatore District.
3. The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Coimbatore [South],
Coimbatore District.
4. The Tahsildar,
Taluk Office, Perur Taluk,
Coimbatore District.



WEB COPY



W.P.No.10491 of 2023

M.S.RAMESH,J.

hvk

W.P.No.10491 of 2023

05.04.2023