



WEB COPY



W.P.No.10447 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.10447 of 2023

N.Elumalai

...Petitioner

Vs

1.The Tahsildar,
R.K.Pettai Taluk,
Tiruvallur District.

2.L.Subramaniam

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to issue Patta in favour of the petitioner based on his application dated 26.12.2022 by virtue of the Release Deed dated 26.12.2022 executed in my favour in respect of the lands comprised in S.Nos.99/20, 95/8, 99/19, 88/3, 89/14A, 88/1, 89/17, 89/15, 59/1 situated at Petharamapuram Village, R.K.Pettai Taluk, Tiruvallur District within a stipulated time.

For Petitioner : Mr.C.Prabakaran

For R1 : Mr.Yogesh Kanndasan
Special Government Pleader



W.P.No.10447 of 2023

WEB COPY

ORDER

Heard Mr.C.Prabakaran, learned counsel for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader for the first respondent.

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

3. The grievance of the petitioner is that his representation seeking for issuance of a Patta has not been considered by the Tahsildar in time and hence, he has preferred the present Writ Petition.

4. The learned Special Government Pleader 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.



W.P.No.10447 of 2023

WEB COPY

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 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.

7. 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 first respondent herein shall consider it on its own merits and in accordance



W.P.No.10447 of 2023

WEB COPY

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 second 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.

05.04.2023

Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order

hvk



WEB COPY



W.P.No.10447 of 2023

To

The Tahsildar,
R.K.Pettai Taluk,
Tiruvallur District.



WEB COPY



W.P.No.10447 of 2023

M.S.RAMESH,J.

hvk

W.P.No.10447 of 2023

05.04.2023