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W.P.No.10448 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.10448 of 2023

1.P.Elizabeth Rani

2.P.Josephine Rosy

3.P.Arul Therasal @ P.Mercy Florence

4.P.Roselin

5.U.Rosali

...Petitioners

Vs

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Department of Revenue and
Disaster Management,
Secretariat, Fort St. George,
Chennai - 600 009.

2.The District Collector, Chennai,
Collectorate, Singaravelar Maligai,
62, Rajaji Salai, Chennai - 600 001.

3.The Tahsildhar,
Maduravoyal Taluk,
Bharathi Salai Phase - II,
Nolambur, Chennai - 600 037.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 3rd respondent to consider the petitioners' representation dated 06.05.2019 and issue online computer patta to the petitioners 1 to 4 for their properties situated in S.No.300/3A6 formerly in Madurovayal Village, Saidapet Taluk, Chengalpattu District and currently in Madurovayal Village, Madurovayal Taluk, Chennai District, covered in manual patta No.1309 and to 5th respondent for the property situated in S.No.300/A13B formerly in Madurovayal Village, Saidapet Taluk, Chengalpattu District and currently in Madurovayal Village, Madurovayal Taluk, Chennai District covered in manual patta No.1973 issued by the 3rd respondent within a time frame to be fixed by this Court.

For Petitioners : Mr.Richardson Wilson

For Respondents : Mr.V.Veluchamy,
Additional Government Pleader

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 petitioners is that their representation seeking for issuance of a Patta has not been considered by the third



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respondent/Tahsildar in time and hence, they have preferred the present Writ Petition.

3. 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 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.

5. This Court is of the view that if the petitioners are granted liberty to make an appropriate online application under the relevant form, within 30 days, with a consequential direction to the Tahsildar concerned to consider the said application in accordance with the procedure



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contemplated under the relevant Act and Rules, the ends of justice could be secured.

6. 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 third 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 due opportunity and notice to the petitioners, as well as all other persons who may be interested in the title/possession of the subject properties, within a period of twelve weeks from the date of receipt of the online application of the petitioners (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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7. 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

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M.S.RAMESH,J.

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