



W.P.No.11070 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.4.2023

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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Poongodi

...Petitioner

Vs

1.The District Collector,
Salem District.

2.The Revenue Divisional Officer,
Vinayagapuram, Athur,
Salem District-636102.

3.The Tahsildar, Pethanaickenpalayam
Taluk, Salem District.

4.Anjalam

5.Anandhan

6.Asaithambi

7.Thangamani

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 27.3.2023 and to pass appropriate orders and thereby to issue joint patta including the name of the petitioner and his brother Thangamani within a time frame fixed by this Court.



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For Petitioner : Mr.G.Ilamurugu

For Respondents 1 to 3 : Mr.R.P.Murugan Raja,
Government Advocate

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate accepting notice for the official respondents. Since this Court is directing the third respondent to consider the petitioner's application after giving notice to all the parties concerned, notice to the private respondents is dispensed with.

2. The grievance of the petitioner is that her representation seeking for transfer of Patta has not been considered in time and hence, she has preferred the above Writ Petition.

3. The learned Government Advocate 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.



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4. 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'].

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 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



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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 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.

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

No costs.

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Index:Yes/No

Neutral Citation:Yes/No

Speaking order/Non-speaking order

To

- 1.The District Collector,
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- 2.The Revenue Divisional Officer,
Vinayagapuram, Athur,
Salem District-636102.
- 3.The Tahsildar, Pethanaickenpalayam
Taluk, Salem District.

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M.S.RAMESH,J.

RS/SNI

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