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W.P.No.11350 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.4.2023

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.11350 of 2023

Emmanuel Full Gospel Mission
Trust rep.by its Chairperson/
Trustee S.P.Tuhin Samuel

...Petitioner

Vs

- 1.The District Collector, the Nilgiris
District, near Charing Cross,
Ooty. Tamil Nadu-643001.
- 2.The Revenue Divisional Officer,
Coonoor, the Nilgiris District.
- 3.The Tahsildar, Taluk Office,
Kotagiri CVF7+CF7,
Kotagiri, Tamil Nadu-643217.
- 4.The Village Administrative Officer,
Nedungula Village, Kotagiri.
643217.
- 5.Philadelphia Poorna Suvishesha
Samooga Sevai Niruvanam,
rep.by Mr.R.S.P.Joshua

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent to



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dispose the petitioner's application dated 03.2.2022.

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For Petitioner : Mr.M.Francis Xavier

For Respondents 1 to 4 : Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader 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 respondent is dispensed with.

2. The grievance of the petitioner is that their representation dated 03.2.2022 given to the second respondent seeking to conduct an enquiry and remove the name of the fifth respondent from patta Nos.4811 and 4812 in respect of Old Sy.No.613/10, Re-Sy.No.1069 in patta No.4812 measuring an extent of 2.50 cents and Old Sy.No.613/9, Re-Sy.No.1072 in patta No.4811 measuring an extent of 5.28 cents, Nedungula II Village, Kothagiri Taluk, the Nilgiris District has not been considered in time and hence, they have preferred the present Writ Petition.



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3. The learned Special Government Pleader 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.

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



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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 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.

13.4.2023

Index:Yes/No

Neutral Citation:Yes/No

Speaking order/Non-speaking order

M.S.RAMESH,J.



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- To
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