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W.P.No.12156 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.12156 of 2023

S.Taj Mohammed

... Petitioner

Vs.

1. The Secretary,
Revenue Department,
Secretariat, Fort St. George,
Chennai – 600 009.
2. The District Collector,
Collectorate,
Namakkal District – 637 001.
3. The Assistant Director,
District Land Survey Office,
Namakkal District.
4. The Revenue Divisional Officer,
Namakkal, Namakkal District.
5. The Tahsildar,
Rasipuram, Namakkal District.
6. Muthunayakker
7. Chinnusamy
8. Thalamayammal
9. Thangavel
10. Palaniyammal
11. Sekar

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st to 5th respondents to conduct a survey and remove the entries of erstwhile owners and adjacent land owner names of respondents 6 to 11 in Sr.Nos.26/1A1 in Patta No.824 to the extent of 2.3/4 cents, Sr.Nos.26/1C and 26/2 in Patta No.655 to the extent of 82 cents, and Sr.No.26/4A1 in Patta No.15281 to the extent of 77 cents respectively which is situated at Bodinayakkanpatty, Kendy Rangamanayakkanuur, Singalanthapuram Village, Rasipuram Taluk, Namakkal District and to issue a separate patta in petitioner name and consider the petitioner's on-line application No.20220422009077 dated 22.04.2022 and the petitioner's representation dated 26.12.2022.

For Petitioner : Mr.R.Palaniyappan

For Respondents : Mr.C.Jayaprakash
Government Advocate [R1 to R5]

No appearance [R6 to 8 and 10]

R9 – Deceased

R11- Not Ready in Notice

ORDER

The relief sought for in the present writ petition is to direct the 1st to 5th respondents to conduct a survey and remove the entries of erstwhile owners and adjacent land owner names of respondents 6 to 11 in Sr.Nos.26/1A1 in



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Patta No.824 to the extent of 2.3/4 cents, Sr.Nos.26/1C and 26/2 in Patta No.655 to the extent of 82 cents, and Sr.No.26/4A1 in Patta No.15281 to the extent of 77 cents respectively which is situated at Bodinayakkanpatty, Kendy Rangamanayakkanuur, Singalanthapuram Village, Rasipuram Taluk, Namakkal District and to issue a separate patta in petitioner name by considering the petitioner's on-line application No.20220422009077 dated 22.04.2022 and the petitioner's representation dated 26.12.2022.

2. The issues raised in the present writ petition were adjudicated by this Court in a batch of writ petitions in ***W.P.No.262 of 2018 [D.Tulasi Vs. The District Revenue Officer, Dharmapuri] etc., and batch***, and a judgment was delivered on 09.06.2023 and the relevant paragraphs of the judgment are extracted hereunder:

“33. In view of the anomalous situation created on account of the inconsistency in dealing with the grievances of the aggrieved persons, this Court is inclined to pass the following orders:

(1) The Commissioner of Land Administration is directed to issue orders to all the competent authorities under his control across the State of Tamil Nadu to maintain registers



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for entertaining the applications/ representations /appeals filed in a prescribed format by complying with the procedures under the Patta Pass Book Act, 1983 and the Rules in force.

- (2) Every such application filed by the aggrieved persons are to be registered in the book of register and serial number has to be assigned in the order of seniority and such seniority assigned must be informed/communicated to the applicants/appellants.*
- (3) All the applications/appeals by the respective parties are to be taken up for hearing/enquiry in the order of seniority as far as possible and without causing any discrimination amongst the similarly placed applicants/appellants. Priority for hearing/enquiry is to be granted only if the applicant/appellant is able to establish that there is a genuine urgency, which is to be recorded by the Competent authority, while taking up the matter for hearing/enquiry. All other applications/appeals are to be heard and disposed of in the order of seniority.*
- (4) An enquiry under the Patta Pass Book Act, 1983 is to be conducted by the competent authorities by following the procedures as contemplated under the Rules and by affording opportunity to the parties. The competent authorities shall refuse to grant unnecessary adjournments to the parties, who all are intending to prolong and protract*



subordinate officials based on the orders passed by this Court and ensure proper implementation to make the public administration more efficient, since it is a Constitutional mandate.

(9) The Higher Authorities are directed to conduct periodical review to ensure that the procedures are followed scrupulously and in the event of any lapses, negligence or dereliction of duty on the part of the authorities, appropriate disciplinary actions are to be initiated under the Service Rules.

(10) The competent authorities are directed to pass speaking orders and communicate the same to all the parties concerned in the manner prescribed under the Rules of Public Administration.”

3. In view of the fact that the case of the petitioner is also similar to that of the cases (cited *supra*), the case of the petitioner is also to be considered on the same line. Accordingly, this Writ Petition stands disposed of. No costs.

05.07.2023

Index : Yes
Speaking order
Neutral Citation : Yes
mp



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S.M.SUBRAMANIAM, J.

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