



WEB COPY



W.P.No.13080 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.13080 of 2023

Mrs.Kanniyammal

...Petitioner

Vs.

1.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Cheyyar,
Thiruvannamalai District.

2.The Tahsildar,
Office of the Tahsildar,
Chetpet, Chetpet Taluk,
Thiruvannamalai District – 604 408.

3.Panjatcharam

4.Venkatesan

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to consider and pass orders on the petitioner's Appeal dated 01.08.2022 filed under Patta Passbook Act submitted for cancellation of false Patta bearing No.294 issued in favour of the Respondents 3 & 4 herein for the lands to an a total extent of 1.81 acres in Survey No.144/1A1 & 144/1A2 of Poongunam



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Village, Chetpet Taluk, Thiruvannamalai District and issue separate patta in favour of the petitioner.

For Petitioner : Mr.A.Tamil Selvan

For R1 & R2 : Mr.P. Sanjay Gandhi
Government Advocate

ORDER

The relief sought for in the present writ petition is for a direction to direct the 1st respondent to consider and pass orders on the petitioner's Appeal dated 01.08.2022 filed under Patta Passbook Act, submitted for cancellation of false Patta bearing No.294 issued in favour of the Respondents 3 & 4 herein for the lands to an a total extent of 1.81 acres in Survey No.144/1A1 & 144/1A2 of Poongunam Village, Chetpet Taluk, Thiruvannamalai District and issue separate patta in favour of the petitioner.

2. The petitioner states that the 2nd respondent / Tahsildar issued patta in favour of the respondents 3 and 4 and he had filed an application to the 2nd respondent / Tahsildar on 15.12.2021 to cancel the patta. However, the said application was not considered. Thus, the petitioner preferred an appeal to the 1st respondent / Revenue Divisional Officer.



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3. Admittedly, the patta has been issued by the Tahsildar and the petitioner filed an appeal before the Revenue Divisional Officer to cancel the patta. In such circumstances, the Revenue Divisional Officer has to call for the records from the Tahsildar along with the report and decide the issues by following the procedures as contemplated and by affording opportunity to all the parties. Thus, the appeal submitted by the petitioner to cancel the patta must contain all relevant factors along with the relevant documents.

4. The petitioner in this regard is at liberty to submit all the relevant documents and in the event of receiving any such documents along with the appeal, the Revenue Divisional Officer concerned shall register the appeal, conduct an enquiry by affording opportunity to all the parties and pass appropriate orders on merits and in accordance with law as expeditiously as possible.



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5. With these observations, the writ petition stands disposed of. No costs.

28.04.2023

Index : Yes
Speaking order
Neutral Citation: Yes

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To

- 1.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Cheyyar,
Thiruvannamalai District.
- 2.The Tahsildar,
Office of the Tahsildar,
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S.M.SUBRAMANIAM, J.

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