



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.12498 of 2023

1.Saraswathi

2.Selvakumar

... Petitioners

Vs.

1.The District Collector,
Collector Office,
Krishnagiri District.

2.The Thasildar
Thasildar Office,
Krishnagiri District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to carry out necessary mutation in the village records by entering the petitioner's name as pattathar of the property, viz., having an extent of 0.98.00 Ares is comprised in Survey No. Survey 412-1B, 413/1, in Kattinaickanapalli Village, Krishnagiri District, and as per Court final decree and judgment passed by the Additional Special Court, Krishnagiri in O.S.No.59/2007 and same was registered partition deed D.No.1365/2021 dated 16.04.2021 on the file of the SRO, Krishnagiri District and to issue separate patta in the name of



petitioners by considering the representation to the 2nd respondent dated 25.11.2022 and 30.01.2023.

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For Petitioners : Mr.P.M.Jayachandran
For Respondents : Mr.T.Arun Kumar
Additional Government Pleader

ORDER

The relief sought for in the present writ petition is to direct the respondents to carry out necessary mutation in the village records by entering the petitioners name as pattathar of the property, viz., having an extent of 0.98.00 Ares is comprised in Survey No. Survey 412-1B, 413/1, in Kattinaickanapalli Village, Krishnagiri District, and as per Court final decree and judgment passed by the Additional Special Court, Krishnagiri in O.S.No.59/2007 and same was registered partition deed D.No.1365/2021 dated 16.04.2021 on the file of the SRO, Krishnagiri District and to issue separate patta in the name of petitioners by considering the representation to the 2nd respondent dated 25.11.2022 and 30.01.2023.

2. The grievance of the writ petitioners is that a partition deed was executed between the family members and based on the partition deed, the



petitioners submitted an application to the Tahsildar seeking patta in respect of the share of the property allotted in his favour. No doubt, based on the partition deed, the petitioners are entitled to submit an application before the competent authority for seeking patta. However, such application must be submitted in a prescribed format by paying necessary fee prescribed and also by submitting the relevant records.

3. Only in the event of submitting an application in a prescribed format, the authorities would be in a position to consider the application and take a final decision. Merely sending a representation seeking patta would be insufficient as the person seeking such patta must submit all necessary documents for the purpose of scrutinisation and pass appropriate orders. This being the procedures contemplated under the Patta Pass Book Act, 1983, the petitioners have to submit an application and the competent authority has to conduct an enquiry and thereafter, issue patta on merits and in accordance with law.

4. In view of this matter, the petitioners are permitted to submit a fresh application in the prescribed format by complying with the requirements and in the event of submitting such application, the competent authority shall



consider the same and pass appropriate orders by conducting an enquiry as expeditiously as possible.

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5. With these observations, this Writ Petition stands disposed of. No costs.

24.04.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To

1.The District Collector,
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2.The Thasildar
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S.M.SUBRAMANIAM, J.

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