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.13042 of 2023

R. Baskar Thangapazham ...Petitioner

Vs.

1.The State of Tamil Nadu,
Rep.by the Secretary to Government,
Revenue Department,
Secretariat, St.George Fort,
Chennai – 600 009.

2.The District Collector,
Collectorate Tenkasi District.

3.The District Revenue Officer,
Collectorate, Tenkasi District.

4.The Revenue Divisional Officer,
Taluk Office, Tenkasi District.

5.The Tahsildar,
Tenkasi Taluk, Tenkasi District.

6.Dr. Mohan George

7.Dr. Valasala Mohan George

8.Vinodhini Mohanraj

9.Sunil Mohan George

10.P.Kovilpichai ..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd respondent to conduct the enquiry with respondents 6 to 10 and cancel the forgery Patta No.3374 in respect of the passage of the Railway land of comprised in Survey No.727, at No.26, Kulasekarapatti Village, Tenkasi Taluk & District based on the petitioner's representation dated 20.03.2023.

For Petitioner : Mr.P.Britto

For R1 to R5 : Mr.Abishek Murthy
Government Advocate

ORDER

The relief sought for in the present writ petition is for a direction to direct the 3rd respondent to conduct the enquiry with respondents 6 to 10 and cancel the forgery Patta No.3374 in respect of the passage of the Railway land of comprised in Survey No.727, at No.26, Kulasekarapatti Village, Tenkasi Taluk & District based on the petitioner's representation dated 20.03.2023.

2. The petitioner has submitted a representation to the 3rd respondent/District Revenue Officer. Under the provisions of the Tamil Nadu Patta Passbook Act, 1983, the competent authority namely, the Tahsildar is empowered to grant patta. In the event of patta found to be forged, then the aggrieved person has to submit an application to the same authority for its cancellation. Application for cancellation of patta must be submitted along with all required documents and by paying the prescribed fees. In the event of filing any such appropriate application for cancellation of patta, then the competent authority is bound to conduct an enquiry by affording opportunity to all the parties and thereafter pass appropriate orders. Still any person is aggrieved, they can prefer an appeal before the Revenue Divisional Officer.

3. This being the procedures to be followed. Generally sending representation to various authorities and filing a writ petition, seeking the relief to consider the same would do no service to the cause of justice. The authorities would not be in a position to deal with such Statutory appeals in the manner contemplated. Any such application filed before the original

authority or the Appellate Authority must be registered and an enquiry should be conducted by following the procedures.

4. When the procedures are contemplated under the Statute and Rules in force, mere sending a representation cannot provide a cause for filing the writ petition for securing a direction from the hands of the High Court. Such directions, if issued in a routine manner, would do no service to the cause of justice and the litigant will be back again to the High Court by way of another writ petition. That exactly is the reason why multiplicity of proceedings are frequently made by the litigants and every litigant even for redressing a grievance, has to file 2, 3 writ petitions and a contempt proceedings before this Court. Such a practice of resolving the disputes at no circumstances be encouraged by the High Court.

5. Once a writ petition is filed, issues are to be decided on merits at all circumstances. Only in the event of filing Statutory Appeals and such Statutory Appeals are kept pending for an unreasonable period, then alone, the High Court would be in a position to direct the authorities to dispose of

the application or appeal as the case may be. Contrarily, issuing a direction in a routine manner would cause prejudice to the administrative functions of the public authorities. Day-in and Day-out, hundreds and thousands of applications are filed before various authorities and if general directions are issued, such authorities may not be in a position to dispose of all such representations, since those public authorities are bound to perform other public duties, which all are assigned to them. Therefore, any representation, appeal, must be submitted to the proper authority and in accordance with the procedures contemplated under the Statute, Rules or in Government orders as the case may be.

6. That apart, the right of the parties are also to be ascertained. In the absence of establishing any such right, no writ needs to be entertained. All such procedures, if complied with, then alone a direction is to be issued, considering the appeal or dispose of the same.

7. In the present case, the petitioner states that he filed a representation to cancel the forged patta. However, the representation

submitted to several authorities, cannot be a cause for issuing a direction. Thus, the petitioner is at liberty to submit a fresh application in a prescribed format by paying necessary fees and by enclosing all relevant documents to the appropriate authority and on receipt of any such appeal/application, appropriate authority shall dispose of the same in the manner contemplated.

8. With this liberty, the writ petition stands disposed of. No costs.

28.04.2023

Index : Yes
Speaking order
Neutral Citation: Yes

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To

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S.M.SUBRAMANIAM, J.

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