



W.P.No.17392 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.17392 of 2023

G.Sekar

... Petitioner

Vs.

1. The District Collector,
Cuddalore District.
2. The District Revenue Officer,
Cuddalore District.
3. The Revenue Divisional Officer,
Panruti Taluk,
Cuddalore District.
4. The Tahsildar,
Panruti Taluk,
Cuddalore District.
5. R. Venkatesan

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Mandamus, directing the second respondent to dispose of the appeal dated 12.05.2023 within the time limit fixed by this Court, consequently directing the fourth respondent not to mutate the patta No. 82 in respect of S.No.373/9 measuring an extent of 0.0056 sq.m of Palur Village, Panruti Taluk.

For Petitioner	:	Mr. V.Regunathan
For Respondents	:	Mr. S.Ravichandran, Additional Government Pleader (for R1 to R4)

ORDER

The relief sought for in the present writ petition is to direct the 2nd respondent / the District Revenue Officer to dispose of the appeal dated 12.05.2023.

2. The petitioner states that he is possessing patta in his name in respect of the subject property, which is classified as Natham land.



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3. The learned Additional Government Pleader appearing for the 1st to 4th Respondents has raised an objection by stating that the subject property belongs to the 5th respondent and he is found to be the owner of the property and is possessing certain registered documents.

4. The petitioner has not produced any document to establish his case for grant of patta. Since the patta was erroneously granted by the original authorities, both the Tahsildar and the Revenue Divisional Officer had cancelled the patta granted in the name of the petitioner. The petitioner preferred an appeal before the 2nd respondent / District Revenue Officer, Cuddalore District, challenging the order passed by the Original Authority and the Appellate Authority cancelling the patta granted in the name of the writ petitioner.

5. In other words, it is contended that the authorities found *prima facie* that the 5th respondent is in possession of certain documents, establishing his right. Based on those documents, patta granted in the name



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of the petitioner was cancelled. However, the petitioner has preferred a statutory revision under Section 13 of the Tamilnadu Patta Passbook Act, 1983. Once a statutory revision has been filed, it is to be disposed of on merits and in accordance with law by affording opportunity to the parties concerned. Thus, the correctness of the orders passed by the Original Authorities are to be tested by the Divisional authorities by calling for the files and by conducting an enquiry. Accordingly, the 2nd respondent / the District Revenue Officer, Cuddalore District is directed to dispose of the appeal as expeditiously as possible by following the procedures as contemplated under the law.

In fine, the writ petition in W.P.No.17392 of 2023 stands disposed of.

No costs.

13.06.2023

skr

Index : Yes

Speaking order

Neutral Citation : Yes



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S.M.SUBRAMANIAM, J.

skr

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