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W.P.No.20417 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2023

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THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.20417 of 2019

Savithri

W/o.Anbalagan

... Petitioner

Vs.

1.The Revenue Tahsildar
Taluk Office,
Kattumannarkoil,
Cuddalore District.

2.Ramachandran
S/o.Ganapathy Thothariyar

3.Elango
S/o.Chidambaram

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first respondent to conduct enquiry on the representation of the petitioner dated 25.03.2019 and make alteration in the patta pass book entry for the lands comprised in S.F.No.148/8C, S.F.No.146/6A1, S.F.No.146/3 and 146/4 situated at Pazhanjanallur Village, Kattumannarkoil Taluk, Cuddalore District as required under Section 10 of the Patta Pass Book Act.



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For Petitioner : Mr.G.Pugazhenth
For Respondents : Mrs.Senthil Selvi
Government Advocate [R1]
Notice Refused [R2]
No appearance [R3]

ORDER

This Writ petition has been filed for a direction to the first respondent to conduct enquiry on the representation of the petitioner dated 25.03.2019 and make alteration in the Patta pass book entry for the lands comprised in S.F.No.148/8C, S.F.No.146/6A1, S.F.Nos.146/3 and 146/4 situated at Pazhanjanallur Village, Kattumannarkoil Taluk, Cuddalore District, as required under Section 10 of the Tamil Nadu Patta Pass Book Act.

2. The case of the petitioner is that the 2nd respondent is the elder brother of her husband viz., Anbalagan. When her husband and his brother were living in a joint family, they purchased the property comprised in SF No.148/8, ad-measuring 0.45 cents and S.R.No.38/8A ad measuring 0.10.0 Ares and the sale deed was executed in favour of 2nd respondent alone. The 2nd respondent had sold the entire property in



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favour of the 3rd respondent. The petitioner's husband died in the year 2003 and her son died in the year 2007. Till his death, the petitioner's husband was in possession and enjoyment of the property and thereafter, she is in possession and enjoyment of the said lands. The Patta of some of the lands, still stands in the name of her husband and the 2nd respondent jointly. The petitioner in this regard had submitted a representation to the 1st respondent on 25.03.2019, requesting him to make alteration in the Patta pass book entry. Since the 1st respondent did not act upon the same, the present writ petition has been filed before this Court.

3. It is seen from records that notice were sent to respondents 2 and 3 and the 2nd respondent refused to receive the same and therefore, it is deemed to be service of notice. Though the 3rd respondent name is printed in the cause-list, there is no appearance on behalf of 3rd respondent. The relief sought for in this writ petition is a simple writ of Mandamus to consider the petitioner's representation dated 25.03.2019 and hence, the 1st respondent is directed to give notice to the petitioner



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and also to respondents 2 and 3 and rival claimants/interested parties, if any and after giving notice to all the parties, conduct an enquiry in the manner known to law and consider the representation and pass appropriate orders, on its own merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order.

4. This writ petition is disposed of with the above directions.

No costs.

12.12.2023

Index : Yes

Speaking order : Yes /No

Neutral Citation : Yes/No

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P.VELMURUGAN, J.

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To
The Revenue Tahsildar
Taluk Office,
Kattumannarkoil,
Cuddalore District.

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12.12.2023