



WEB COPY

W.P.No.22683 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.22683 of 2023

E.Kumar

... Petitioner

Vs.

- 1.The District Collector,
The District Collector Office,
Kallikurichi.
- 2.The District Revenue Officer,
The District Revenue officer,
Kallakurichi.
- 3.The Revenue Divisional Officer,
The Revenue Divisional Office,
Kallakurichi.
- 4.The Tahsildar,
The Tahsildar Office,
Kallakurichi.
- 5.Subramaniyan

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to dispose of the representation dated 16.06.2023 for cancel the patta issued in favour of



the 5th respondent in Survey No.67/4B an extent of 0.08.5, Pangaram Village, Kallakurichi Taluk & District.

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For Petitioner : E.D.Sethupathi
For R1 to R4 : Mr.G.Krishna Raja,
Additional Government Pleader

ORDER

The writ petition has been filed for directing the respondents 1 to 3 to dispose of the representation dated 16.06.2023 for cancelling the patta issued in favour of the 5th respondent in Survey No.67/4B an extent of 0.08.5, Pangaram Village, Kallakurichi Taluk & District.

2. The issues raised in the present writ petition were adjudicated by this Court in a batch of writ petitions in ***W.P.Nos.262 of 2018 & etc.***, batch, and a judgment was delivered on ***09.06.2023*** and subsequently, a circular dated 17.07.2023 has been issued by the Commissioner of Land Administration in Circular No. R1/2005632/2022. The relevant paragraphs of the judgment are extracted hereunder:



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“33. In view of the anomalous situation created on account of the inconsistency in dealing with the grievances of the aggrieved persons, this Court is inclined to pass the following orders:

- (1) The Commissioner of Land Administration is directed to issue orders to all the competent authorities under his control across the State of Tamil Nadu to maintain registers for entertaining the applications/ representations /appeals filed in a prescribed format by complying with the procedures under the Patta Pass Book Act, 1983 and the Rules in force.*
- (2) Every such application filed by the aggrieved persons are to be registered in the book of register and serial number has to be assigned in the order of seniority and such seniority assigned must be informed/communicated to the applicants/appellants.*
- (3) All the applications/appeals by the respective parties are to be taken up for hearing/enquiry in the order of seniority as far as possible and without causing any discrimination amongst the similarly placed applicants/appellants. Priority for hearing/enquiry is to be granted only if the*



(5) *All applications / appeals are to be disposed of by the competent authorities within a prescribed time limits stipulated under the Government orders or by the Commissioner of Land Administration. In the event of no time limit, the authorities are expected to pass orders within a reasonable period of time i.e., within a period of six months.*



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- (6) *The respondents are directed to relegate the parties to the Civil Court of Law, if there is any disputed facts regarding civil rights between the parties exists.*
- (7) *The respondents are directed not to entertain applications under the Patta Pass Book Act, if the Civil Suits between the parties are pending before the Court of Law. In such circumstances, the applicants/appellants may be granted liberty to approach the competent authorities only after resolving the issues before the Civil Court of Law. The Authorities are directed to keep the revenue proceedings in abeyance till such time the civil disputes reach finality between the parties.*
- (8) *The Commissioner of Revenue Administration is directed to issue consolidated instructions/circular to all the subordinate officials based on the orders passed by this Court and ensure proper implementation to make the public administration more efficient, since it is a Constitutional mandate.*
- (9) *The Higher Authorities are directed to conduct periodical review to ensure that the procedures are followed scrupulously and in the event of any lapses, negligence or dereliction of duty on the part of the authorities,*



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appropriate disciplinary actions are to be initiated under the Service Rules.

(10) *The competent authorities are directed to pass speaking orders and communicate the same to all the parties concerned in the manner prescribed under the Rules of Public Administration.”*

3. In view of the fact that the case of the petitioner is also similar to that of the cases (cited *supra*), the case of the petitioner is also to be considered on the same line.

4. Accordingly, this Writ Petition stands disposed of. No costs.

01.08.2023

skr
Index : Yes
Speaking order



To

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S.M.SUBRAMANIAM, J.

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