



W.P.No.35271 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.35271 of 2022
and W.M.P.No.34712 of 2022

Thanusu

.... Petitioner

-Vs-

1 The District Collector
Office of the Collectorate Villupuram
District.

2 The Sub collector
O/o.The Sub Collectorate Jakkampettai
Tindivanam Villupuram District.

3 The Tahsildar
Tindivanam Villupuram District.

4 Selvaraji

5 Govindaraji

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the second respondent to conduct enquiry and correct the Natham Patta issued in favour of the 4th respondent in respect of property comprised in Survey No.705/2 to the actual approximately situated at Nadukuppam Village Tindivanam Taluk, Villupuram District on the basis of third respondent proceeding dated 03.01.2018 within a time frame that may be stipulated by this Honourable Court.



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For Petitioner : Mr.B.Karunakaran
For Respondents : Mr.R.P.Muruganraja
Government Advocate – for RR 1 to 3

ORDER

The prayer sought for herein is for a Writ of Mandamus to direct the second respondent to conduct enquiry and correct the Natham Patta issued in favour of the 4th respondent in respect of property comprised in Survey No.705/2 to the actual approximately situated at Nadukuppam Village Tindivanam Taluk, Villupuram District on the basis of third respondent proceeding dated 03.01.2018 within a time frame that may be stipulated by this Court.

2. The petitioner and the private respondents are brothers. They claimed to have partitioned the ancestral property by 1/3rd allotment and accordingly they have been enjoying the properties. When that being so, while issuing the Natham Patta to the petitioner and his brothers, in respect of the patta issued to the 4th respondent, instead of 12 cents it has been wrongly mentioned as 18 cents. Therefore, in order to rectify the same the petitioner has given a representation on 07.12.2017 to the 2nd respondent. However, since the same has not been considered, the petitioner has approached this Court.



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3. Heard the learned counsel for the petitioner, and the learned Government Advocate for the official respondents. In view of the order to be passed, notice to the private respondents is dispensed with.

4. Learned Government Advocate would submit that, as against the order passed by the Tahsildar issuing patta, where, if any wrong extent is mentioned, against which if the petitioner wants to make an appeal, he can file an appeal only to the Revenue Divisional Officer. However, in the present case since the petitioner has given the complaint only to the District Revenue Officer dated 07.12.2017, a copy of which can be filed before the concerned Revenue Divisional Officer, who, on receipt of the same, would do the needful, after hearing the petitioner as well as the private respondents within a time frame that may be stipulated by this Court.

5. Having regard to the submissions of the learned counsel for the parties, especially the stand taken by the learned Special Government Pleader, this Court is inclined to dispose of this writ petition with the following order.

- That it is open to the petitioner to make an application by way of an appeal to the Revenue Divisional Officer concerned to rectify the mistake in the patta issued already in the name of the petitioner as well as the 4th respondent.



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- On receipt of such appeal, the Revenue Divisional Officer, Tindivanam shall consider the same and pass orders thereon after giving an opportunity of being heard to the petitioner as well as the private respondents within a period of eight weeks from the date of receipt of such appeal.
- Since the Revenue Divisional Office, Tindivanam is not a party to this writ petition, Registry is directed to send a copy of this order to the said authority also."

6. With the above directions, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

04.01.2023

Index : Yes/No

Neutral Citation : Yes/No

Speaking Order / Non-speaking order

KST

To

- 1 The District Collector, Office of the Collectorate Villupuram District.
- 2 The Sub collector, O/o.The Sub Collectorate Jakkampettai Tindivanam Villupuram District.
- 3 The Tahsildar, Tindivanam, Villupuram District.
- 4 The Revenue Divisional Officer, Tindinam, Villupuram District.



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R. SURESH KUMAR, J.

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