



WEB COPY

W.P.No.24236 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.24236 of 2023

and

WMP.No.23704 of 2023

1.R.Manikandan

2.R.Muthumanickam

... Petitioners

Vs.

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

2.The District Collector,
Collectorate,
Cuddalore District,
Manjakuppam,
Cuddalore – 607 001.

3.District Revenue Officer,
Collector's Office,
Cuddalore District.

4.Tahsildar,
Cuddalore Taluk,
Cuddalore District.



5. Headquarters Deputy Tahsildar,
Cuddalore Taluk,
Cuddalore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent to consider the petitioner's representation dated 25.04.2022 relating to the Patta transfer in respect of the property situated in Ayan Punja New Survey No.31/1A1, Old Survey No.50/2, Chinnakanganankuppam Village, Cuddalore Town Panchayat, Cuddalore District.

For Petitioners : Mr.S.Mahimai Raj

For R1 to R5 : Mr.D.Ravichander
Special Government Pleader

ORDER

The relief sought for in the present writ petition is to direct the 2nd respondent to consider the petitioners representation dated 25.04.2022, relating to the Patta transfer in respect of the property situated in Ayan Punja New Survey No.31/1A1, Old Survey No.50/2, Chinnakanganankuppam Village, Cuddalore Town Panchayat, Cuddalore District.



WEB COPY

2. The petitioners state that the subject property described in the present writ petition is belonging to the petitioners and they are the absolute owners of the larger extent of the property including the subject property. They inherited the property through family partition between their grandfather Mr.Manicka Pather and his brother Mr.Krishna Pather. Patta was granted in the name of their grand father and therefore, they have submitted an application to transfer the patta in their name.

3. The learned counsel for the petitioners mainly contended that the Tahsildar rejected the application without assigning any reason. The order is cryptic and thus, an enquiry is to be conducted for transfer of patta by considering the application submitted by the writ petitioners.

4. The learned Special Government Pleader appearing on behalf of the respondents 1 to 5 based on the written instructions given by the Revenue Tahsildar, Cuddalore vide letter dated 17.08.2023 has stated that the subject property has been classified as layout pathway and therefore, patta cannot be granted in favour of the petitioners.



WEB COPY

5. In support of the said instructions, the learned special Government Pleader furnished the copy of the FMB sketch and also the patta originally granted in the name of the one Mr.Manicka Pather and Iyyanar.

6. In view of the controversy raised before this Court, an adjudication is necessary. The parties must be provided with an opportunity to adjudicate the issues on merits and based on the documents and evidences available on record. Since the Tahsildar has already rejected the application, the petitioner under the provisions of the Tamil Nadu Patta Pass Book Act, 1983 is entitled to prefer an appeal before the competent Appellate Authority, who in turn shall adjudicate the issues by affording opportunity to all the parties and decide the same as expeditiously as possible. Thus, the petitioners are at liberty to approach the Appellate Authority in the manner contemplated under the Act.



7. With this liberty, this Writ Petition stands disposed of. No costs.

Consequently, connected Miscellaneous Petition is closed.

WEB COPY

18.08.2023

(1/2)

Veda/Jeni
Index: Yes
Speaking order
Neutral Citation: Yes

To

1. The Secretary of Government,
The State of Tamil Nadu,
Department of Revenue,
Fort St. George,
Chennai – 600 009.

2. The District Collector,
Collectorate,
Cuddalore District,
Manjakuppam,
Cuddalore – 607 001.

3. The District Revenue Officer,
Collector's Office,
Cuddalore District.

4. The Tahsildar,
Cuddalore Taluk,
Cuddalore District.

5. The Deputy Tahsildar,
The Headquarters,
Cuddalore Taluk,
Cuddalore District.



WEB COPY



W.P.No.24236 of

S.M.SUBRAMANIAM, J.

Veda/Jeni

W.P.No.24236 of 2023
and
WMP.Nos.23701 & 23704 of 2023

18.08.2023
(1/2)