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W.P.No.11631 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.11631 of 2023

N.Kanchana

...Petitioner

Vs

1.The Tashildar,
Mambalam Taluk,
New No.1, Old No.2,
Bharathidasan Salai,
K.K.Nagar, Chennai – 600 078.

2.The District Collector,
Chennai District,
Chennai – 600 001.

3.Tamil Nadu Urban Habitat
Development Board,
(formerly known as Tamil Nadu
Slum Clearance Board),
No.5, Kamarajar Salai,
Chepauk, Chennai – 600 005.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to grant patta in favour of the petitioner for the schedule mentioned property in her name.



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For Petitioner : Mr.K.Thulasiraman

For Respondents : Mrs.Akila Rajendran,
Government Advocate for R1 and 2

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The grievance of the petitioner is that her representation seeking for issuance of a Patta has not been considered by the Tahsildar in time and hence, she has preferred the present Writ Petition.

3.The learned Government Advocate submitted that the relevant form, namely Form II, has now been uploaded in the Registration Department's website and that the petitioner can apply through online.

4.The Tamil Nadu Patta Pass Book Act prescribes the mode of making an application for issuance of Patta to be in Form II, as specified under Section 3(4) of the Patta Pass Book Act, 1983 [hereinafter referred to as 'the Act'], read with Rule 3(2) of the Tamil Nadu Patta Pass Book Rules, 1987 [hereinafter referred to as 'the Rules'], within a period of 30



days from the date specified in the notice under Section 3(3) of the Act.

5.This Court is of the view that if the petitioner is granted liberty to make an appropriate online application under the relevant form, within 30 days, with a consequential direction to the Tahsildar to consider the said application in accordance with the procedure contemplated under the relevant Act and Rules, the ends of justice could be secured.

6.In the light of the above observations, the petitioner herein is granted liberty to make an application in Form II through online, as specified under Section 3(4) of the Act, read with Rule 3(2) of the Rules, within a period of 30 days from the date of receipt of a copy of this order, if not already made. On receipt of such an application, the first respondent herein shall consider it on its own merits and in accordance with the procedure contemplated under the Tamil Nadu Patta Pass Book Act, as well as the Tamil Nadu Patta Pass Book Rules and take a final decision, after giving notice to the petitioner, as well as all the other persons who may be interested in the title/possession of the subject



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M.S.RAMESH,J.

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property, within a period of 12 weeks from the date of receipt of the
online application (or) from the date of receipt of a copy of this order, if
the online application has already been made and is pending.

7. With the above directions, the Writ Petition stands disposed of.

No costs.

18.04.2023

Index:Yes/No

Neutral Citation:Yes/No

Speaking order/Non-speaking order

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To

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