



WEB COPY

WP No.21255 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20-04-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.21255 of 2014

Rasool Khan

... Petitioner

Vs.

1.The State Represented by the
District Collector,
Dharmapuri.

2.The Tahsildar,
Taluk Office,
Uthankarai,
Dharmapuri District.

3.The Head Master,
Government Boys Higher Secondary School,
Uthankarai,
Dharmapuri District.

4.The President,
Parents Teachers Association,
Government Boys Higher Secondary School,
Uthankarai,
Dharmapuri District.

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the second respondent to pass appropriate orders on the representation dated 03.04.2014 made by the petitioner

For Petitioner : Ms.C.Usha

For Respondents-1 and 2 : Mr.T.Arunkumar,
Additional Government Pleader.

For Respondents-3 and 4 : Ms.V.Srimathi

ORDER

The relief sought for in the present writ petition is to direct the second respondent to pass appropriate orders on the representation submitted by the petitioner on 03.04.2014.

2. The learned counsel for the petitioner states that the patta in respect of the subject property stands in the name of the petitioner and there was a civil dispute ended with an order by this Court in S.A. No.1476 of 2005 dated 20.09.2013, wherein this Court considered the following observations in paragraphs 27 and 28 as follows:-



“27. Accordingly, the Government is directed to deal with the matter as expeditiously as possible and if there are any laches, it is open for the plaintiff to approach this Court highlighting the laches, whereupon this Court also could give further direction for expediting the process referred to supra.

28. On balance,

The substantial question of law Nos.1 and 2 are decided to the effect that the Courts below were not justified in declaring the right of the plaintiff ignoring the defence of D1 and D2, that Exs.A1 and A2 were brought about fraudulently and falsely and it is for the authorities to take action for cancellation, whereupon it is open for the plaintiff to put forth his defence and in fact the plaintiff attempted to reverse the entire process by approaching the Court.

Accordingly, this Second Appeal is disposed of. However, there shall be no order as to costs.”

3. Pursuant to the observations made by this Court in the order passed in the Second Appeal, the petitioner submitted an application on 03.04.2014 to the Tahsildar to conduct an enquiry and return the patta



granted in favour of the petitioner on earlier occasion. However, no action was taken by the Tahsildar and thus the petitioner is constrained to move the present writ petition.

4. When this Court has given an opportunity to the writ petitioner to adjudicate the issue relating to patta, though it stands in the name of the petitioner and the petitioner wants to confirm the sanctity of the said patta. The Tahsildar has to conduct an enquiry by affording an opportunity to all the parties concerned and thereafter take a decision and pass orders.

5. In view of the fact that no such action was taken, the second respondent Tahsildar, Uthangarai, Dharmapuri District is directed to conduct an enquiry in respect of the patta granted in favour of the writ petitioner by following the procedures as contemplated under the Patta Pass Book Act, 1983 and by affording an opportunity to all the parties connected with the subject property and thereafter pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner is directed to enclose the



copy of the representation submitted by him on 03.04.2014 with all relevant documents along with the order passed in the present writ petition.

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6. Accordingly, the present writ petition stands disposed of.

However, there shall be no order as to costs.

20-04-2023

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

Svn

To

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2.The Tahsildar,
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S.M.SUBRAMANIAM, J.

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