



W.P.(MD)No.11400 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.05.2023**

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.(MD)No.11400 of 2023

Akilan

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Kodaikanal Revenue Division,
Kodaikanal,
Dindigul District.

2.The Tahsildar,
Kodaikanal Taluk,
Dindigul District.

3.Packianathan

4.C.Therasiamma Ciriya

5.V.J.Abraham Vadakelam

6.Ishrath Khan

7.I.Chandirakhan

8.V.J.Franchis

9.Jessi Franchis

10.Ranjith Kurian

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11.Romio Irwin Ignacious

12.Liravas

13.S.Prasanna Kumari

14.C.Thomas Philip Chittasath

15.M.S.Monipen

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to issue separate patta on the petitioner's name, by cancelling the joint patta issued in the name of respondents No.3 to 15 pertaining to the property bearing Survey No.1393/4, to an extent of 2 Acres 36 cents, 1393/2, to an extent of 2 Acres 25 cents and 1393/3 to an extent of 2.98 cents situated at Vada Gowunchi Village, within the Taluk Limit of Kodaikanal, Dindugal District, based on petitioner's representations dated 13.02.2023 and 26.04.2023 made to the 1st respondent.

For Petitioner

: Mr.A.Ramesh

For R1 & R2

: Mr.G.V.Vairam Santhosh

Additional Government Pleader



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residing somewhere in Kerala, Bombay. The petitioner made representations dated 13.02.2023 and 26.04.2023 for cancellation of patta. Since the same was not considered, this writ petition has been filed with the aforesaid prayer.

3. The learned Additional Government Pleader appearing for the respondents 1 and 2 would submit that once patta is granted in terms of Section 3 of the Tamil Nadu Patta Passbook Act, 1983, the said patta has to be cancelled only after conducting enquiry by the competent authority. However, the petitioner made representations before the first respondent, but he is an incompetent authority to pass any orders for cancellation of patta.

4. The learned counsel appearing for the petitioner would submit that it would suffice, if a direction is issued to the first respondent to transfer the entire file to the second respondent, who in turn, is directed to consider the petitioner's representations dated 13.02.2023 and 26.04.2023 for cancellation of patta in terms of Section 10 of the Tamil



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Nadu Patta Passbook Act, 1983, on merits and in accordance with law, within a specified period.

5. In the light of the above submissions made, this Court, without going into the merits of the matter, directs the first respondent to forward the entire file relating to the aforesaid issue to the second respondent, who in turn, shall conduct enquiry and pass appropriate orders on merits and in accordance with law, after affording an opportunity to the petitioner, the private respondents and other beneficiaries, who are granted pattas in respect of the aforesaid property, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs.

04.05.2023

NCC: Yes / No
Index: Yes / No
Sm/Ssb

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M.DHANDAPANI,J.

Sm/Ssb

To

- 1.The Revenue Divisional Officer,
Kodaikanal Revenue Division,
Kodaikanal,
Dindigul District.
- 2.The Tahsildar,
Kodaikanal Taluk,
Dindigul District.

Order made in
W.P.(MD)No.11400 of 2023

Dated:
04.05.2023