**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 15.09.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P.(MD)No.10860 of 2015**

S.Muthuramalingam ... Petitioner

Vs.

1. The District Collector,
   Dindigul District.

2. The Tahsildar,
   Nilakottai Taluk,
   Dindigul District. ... Respondents

**Prayer:** Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order of the second respondent made in Na.Ka.No.13537/2014/A4 dated 27.04.2015 and quash the same as it is arbitrary and illegal and in consequence directing the second respondent to modify the entry in revenue records relating with patta No.938 for the property measuring 1 acre 1 cents comprised in S.No. 260/1A Oruthattu Village, in Nilakottai Taluk, Dindigul District from the name of Palaniammal to the petitioner's name and his brother's name S.Nagarajan as according to the sale deed dated 03.09.1986 and other relevant documents and to issue patta for the same.

For Petitioner : Mr.R.Suriya Narayanan

For Respondents: Mr.D.Gandhiraj,
Special Government Pleader.

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**O R D E R**

Heard the learned counsel on either side.

2. The land measuring 1 acre and 1 cent comprised in 260/1A Oruthattu Village, Nilakottai Taluk, Dindigul District stood in the name of one Palaniammal. The said Palaniammal passed away. Her legal heirs sold the property in favour of one Subbiah Servai vide sale deed dated 03.09.1986. It is a registered document. Subbiah Servai is no more. His son Muthuramalingam filed an application before the second respondent for entering the names of the legal heirs of Subbiah Servai in the revenue record. However, his request was rejected on the ground that the legal heirs of Subbiah Servai were found to be in enjoyment of the land in survey No.267/2 and that the land in survey No.260/1A is in the enjoyment of one Chelladurai. Challenging the rejection order, the present writ petition came to be filed.

3. I am more than satisfied that the impugned order has to be set aside.

4. The statutory scheme set out in the Tamil Nadu Patta Pass Book Act 1983 is very clear. Section 10 of the Act is as follows:-

> "**10. Modification of entries in the patta pass book.** - (1) Where any person claims that any modification is required in respect of any entry in the patta pass book already issued under section 3 either by reason of the death of any person or by reason of the transfer of interest in the land or by reason of any other subsequent change in circumstances, he shall make an application to the Tahsildar for the modification of the relevant entries in the patta pass book.
>
> (2) An application under sub-section (1) shall contain such particulars, as may be prescribed, and shall be accompanied by the

documents, if any, relied on by the applicant as evidence in support of his claim.

(3) (a) Before passing an order on an application under sub-section (1), the Tahsildar shall follow such procedure as may be prescribed and shall also give a reasonable opportunity to the parties concerned to make their representations either orally or in writing. If the Tahsildar decides that any modification should be made in respect of entries in the patta passbook, he shall pass an order accordingly and shall make such consequential changes in the patta pass book, as appear to him to be necessary, for giving effect to his order.

(b) If the Tahsildar decides that there is no case for effecting any modification of the entries in the patta pass book, he shall reject the application.

(c) An order under clause (a) or clause (b) shall contain the reasons for such order and shall be communicated to the parties concerned in such manner as may be prescribed.”

5. When a purchaser of the property applies for modification of the entry in the revenue record, all that the authority must see is whether the name of the vendor was there in the revenue record. If that be so and the authority is satisfied that the person whose name appeared in the revenue record effected transfer in favour of the applicant, then the entry in the revenue record must be correspondingly modified. In this case, Palaniammal's name is found in the revenue record. She is no more. Her legal heirs sold the property to Subbiah Servai. The name of Palaniyammal has to be deleted in the revenue record and that Subbiah Servai's name has to be entered. Subbiah Servai is no more. His legal heirs' name must be entered in the revenue record.

6. In this view of the matter, the order impugned in this writ petition is set aside. The second respondent is directed to enter the names of the legal heirs of Subbiah Servai only in respect of survey No.260/1A, Oruthattu Village

in respect of the land measuring 1 acre and 1 cent. This shall be done immediately and without any delay. This writ petition stands disposed of. No costs.

**15.09.2023**

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

PMU

**To:**

1. The District Collector,
   Dindigul District.

2. The Tahsildar,
   Nilakottai Taluk,
   Dindigul District.

**G.R.SWAMINATHAN,J.**

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