



W.P(MD)No.2003 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
WEB COPY

DATED : 15.02.2023

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) No.2003 of 2016

V.Shanmugham

Petitioner

Vs.

**The Tahsildar,
Taluk Office,
Theni Taluk,
Theni.**

Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondent to grant patta in favour of the petitioner, which is relating to Nanja lands in Survey No.666 admeasuring 1 acre 67 cents situated at Kottur Village, Theni Taluk, Theni District, based on the petitioner's representation dated 04.12.2015.

**For Petitioner
For Respondent**

**:Mr.T.Selvan
:Mr.J.K.Jeyaselvam
Government Advocate**



WEB COPY



W.P(MD)No.2003 of 2016

ORDER

This writ petition was filed for a Mandamus, directing the respondent to grant patta in favour of the petitioner for the nanja lands in Survey No.666, to an extent of 1 acre 67 cents situated at Kottur Village, Theni Taluk, Theni District, by considering his representation dated 04.12.2015.

2.The learned counsel appearing for the petitioner submits that the petitioner has purchased the lands in Survey Nos. 666 measuring to an extent of 1.67 cents from one V.S. Soundirapandian, by way of a registered document D.No.3399 of 1996, dated 14.10.1996 and has also applied for change of patta, which is in his predecessor's name in Patta No.300. The grievance of the petitioner is that though he has paid necessary fee for survey and demarcation of the property in the year 2012, the respondent have not granted a patta in favour of the petitioner. In this regard, the petitioner has sent several representations including the



W.P(MD)No.2003 of 2016

representation dated 04.12.2015. These representations have not been considered by the respondent. Hence, he was constrained to file this writ petition.

3.This writ petition was filed in the year 2016 and one Mr.Murugan, learned Government Advocate took notice for the respondent on 29.01.2016. Though the respondent has entered appearance in the year 2016, no counter affidavit has been filed so far. When this writ petition was listed on 10.02.2023, at the request of the learned Government Advocate, it was posted to 15.02.2023. Even today, the learned Government Advocate is not in a position to explain this Court on the steps taken by them on the petitioner's representation.

4.Though the respondent have not provided any instructions to the learned Government Advocate, the Government Advocate by referring Rule 12 of the Tamil Nadu Patta Pass Book Rules,1987 submits that the petitioner ought to have applied for a



W.P(MD)No.2003 of 2016

patta within 90 days from the date of acquisition of right and the Tahsildar can relax a further period of 90 days for granting patta. However, in this case, for the property purchased in the year 1996, the application for transfer of patta was made only in the year 2015 and therefore, the respondent cannot be found fault with. The learned Government Advocate further submits now the application for change of patta can be made only through online.

5.This Court considered the rival submissions made and also perused the materials placed on record.

6.It is an admitted fact that the subject property has been purchased by the petitioner in the year 1996, for which he has applied for change of patta in the year 2012. Though, the learned Government Advocate has relied upon Rule 12 of the Tamil Nadu Patta Pass Book Rules, 1987, as per Section 5(2) 5(3) of the Tamil Nadu Patta Pass Book Act, 1983, the registered authority namely, the Sub Registrar has to get application for change of patta at the time of



W.P(MD)No.2003 of 2016

registration and shall duly forward the same to the concerned Tahsildar, for which, necessary fee can also be collected at the time of registration.

7.For better understanding, Rule 5(2) 5(3) of Patta Pass

Book are extracted as under:-

5.Making of entries of registration of alienation or transfer in the patta pass book-

(1)No document relating to transfer of any land by sale, gift, mortgage, exchange, settlement or otherwise shall be registered by the registering authority, unless the patta pass book relating to such land is produced before such registering authority.

(2)No document referred to in sub-section(1) shall be registered by the registering authority, unless the person liable to pay the registration fee also pays to the registering authority such fee as may be prescribed for making necessary entries relating to such transfer in the patta pass book. On the registration of such document and after making necessary entries in the patta pass book, the registering authority shall make a report of



WEB COPY



W.P(MD)No.2003 of 2016

such registration and also send a certified extract of the said entries to the Tahsildar.

(3) On receipt of the certified extracts of the entries relating to such transfer, the Tahsildar shall cause necessary changes to be carried out in the Register of Patta Pass-Book maintained by him and shall also cause necessary changes to be carried out in the patta pass book already issued under section 3, or as the case may be, issue a new patta pass book, after sub-division if necessary, within such time and on collection of such fee, as may be prescribed.

8. In view of the above, there shall be a direction to the petitioner to apply for the change of patta through online within a period of four weeks from the date of receipt of a copy of this order. On such application, the respondent shall pass order after affording opportunity to the rival claimants, if any and after verifying the relevant records within a period of 12 weeks from thereon. No costs.



W.P(MD)No.2003 of 2016

WEB COPY

9. With the above directions, this writ petition is disposed of. No costs.

15.02.2023

NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.
vrn

To

The Tahsildar,
Taluk Office,
Theni Taluk,
Theni.



WEB COPY



W.P(MD)No.2003 of 2016

B.PUGALENDHI, J

vrn

Order made in
W.P(MD) No.2003 of 2016

15.02.2023