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W.P.No.270 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2024

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.270 of 2024

and

W.M.P.Nos.337 and 338 of 2024

1.Kunju Mary John
2.Sangeetha Kuruvilla

... Petitioners

Versus

1.The District Revenue Officer,
Coonoor Road, Elk Hill,
Uthagamandalam – 643 001

2.The Revenue Divisional Officer,
Udhagai Division,
Upper Bazaar Road,
Uthagamandalam – 643 001

3.The Tahsildar,
Upper Bazaar Road,
Uthagamandalam – 643 001

... Respondents

PRAYER: Writ Petition filed under Rule 15 of Madras High Court New Writ Rules, 2021 praying for issuance of Writ of Mandamus directing the 3rd respondent to consider the representation dated 11.07.2023 submitted by the petitioners and consequently grant Patta to the 1st petitioner for the lands comprised in (i) R.S.No.74 measuring about 21 cents, (ii) R.S.No.75 measuring about 19.25 cents, (iii) R.S.No.75, New



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T.S.No.F/3/33 measuring about 18.63 cents and grant Patta to the 2nd petitioner for the lands comprised in (iv) R.S.No.74 measuring an extent of about 30 cents situated in Ootacamund Town, Ootacamund Joint I registration sub-district, Nilgiris District.

For Petitioners : Mr. Abishek Jenasenan

For Respondents : Mrs. V. Yamunadevi
Special Government Pleader

ORDER

This Writ Petition is filed for “simplicitor mandamus”, to direct the third respondent to consider the representation dated 11.07.2023 submitted by the petitioners and consequently grant Patta to the first petitioner for the lands comprised in (i) R.S.No.74 measuring about 21 cents, (ii) R.S.No.75 measuring about 19.25 cents, (iii) R.S.No.75, New T.S.No.F/3/33, measuring about 18.63 cents and grant Patta to the second petitioner for the lands comprised in (iv) R.S.No.74, measuring an extent of about 30 cents situated in Ootacamund Town, Ootacamund Joint I Registration Sub-District, Nilgiris District.



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2. The case of the petitioners is that they purchased the above said properties in the year 1979, 1987 and 2012, and from the date of purchase, they are the absolute owners of the said properties and therefore, the petitioners presented the documents before the respondents for issuance of Patta. Though the second and third respondents had inspected the said properties with the assistance of Village Administrative Officer on 18.07.2023, 23.08.2023 and 13.09.2023, but, till date, there is no response from the respondents. Therefore, the petitioners submitted a representation dated 11.07.2023 to the third respondent to issue Patta in their favour. However, no response was received. Hence, the petitioners have filed the present Writ Petition before this Court for the above said relief.

3. The learned Special Government Pleader appearing for the respondents submitted that as per the prevailing method, the application has to be made through online with adequate fees by way of e-challan. Since no proper application has been received by the respondents, they are unable to pass any orders.



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4. Heard the learned counsel for the petitioners and the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

5. Though it is stated that the petitioners made representation dated 11.07.2023, the learned counsel for the petitioners is not in a position to say as to whether the petitioners have made any online application and paid the fees through e-challan. However, the petitioners are at liberty to make a fresh online application as per the procedures prevailing as on date with adequate fees. On receipt of such payment, if the online application is otherwise in order, the respondents shall consider the petitioners online application and conduct an enquiry in the manner known to law after issuing notice to the petitioners and rival claimants/interested parties/objectors, if any as the case may be and pass orders on merits and in accordance with law, within a period of two months from the date of receipt of the petitioners online application.

6. With the above observations, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition in W.M.P. No.338



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of 2024 is closed. The W.M.P. No.337 of 2024 is ordered subject to payment of separate Court fee by the other writ petitioner.

09.01.2024

Index : yes/no
Speaking order : yes/no
Neutral Case Citation : yes/no

klt

To:

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- 2.The Revenue Divisional Officer,
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P. VELMURUGAN, J.

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