



W.P. No.23852 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2025

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.23852 of 2025

Rose Mary

Petitioner(s)

Vs

1.The District Collector,
Tirupattur District.

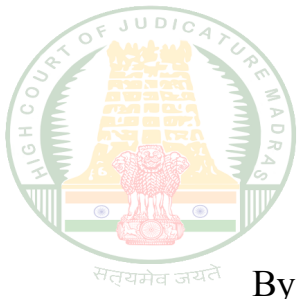
2.The Tahsildar,
Office of the Tirupattur Taluk,
Tirupattur -635 601.

Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to consider the petitioner's appeal dated 16.01.2025 and dispose the same within the stipulated period.

For Petitioner(s) : Mr.T.Annamalai

For Respondent(s) : Mr.P.Sathish
Additional Government Pleader



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ORDER

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself.

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2. The present writ petition is filed praying for a writ of Mandamus directing the respondents to consider the petitioner's representation though stated to be an appeal made under Section 12 of the Tamil Nadu Patta Passbook Act, 1983 read with Rule 12 of the Tamil Nadu Patta Passbook Rules, 1987 for modification of patta.

3. It is submitted by the learned counsel for petitioner that the property comprised in Patta No.95, measuring an extent of 1.93 cents situated at Madapalli Village, Tirupattur District, originally belonged to the petitioner's husband Arumainathan which he inherited from his mother. Thereafter revenue records were mutated in petitioner's name. It is stated that petitioner's husband executed and registered a settlement deed in the year 2019 settling the subject property in favour of the petitioner. Petitioner was compelled to file a Suit for injunction in O.S.No.185 of 2012 dated 17.02.2015 inasmuch as there was interference with possession by third party. The above suit was decreed in favour of the petitioner, against which the respondents in the Suit preferred an appeal in



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A.S.No.43 of 2015. The Appellate Court modified the decree and judgment.

Aggrieved, petitioner filed a second appeal in S.A.No.361 of 2025 before this

Court, which was disposed of on 28.04.2025 with the following order:

“Challenging the reversal findings of the first appellate Court, the appellant has preferred this appeal.

2.The appeal has been admitted on the following substantial questions of law:

“a. Whether the decree and judgment of the lower appellate Court that the 2nd defendant is in possession under Ex.B2 when the Ex.B2 was xerox copy of the mortgage deed and had mentioned only without possession is sustainable in law?

b. Whether the finding of the lower appellate Court that the other co-shareholder are also in constructive possession of the suit property when the suit scheduled property 1.93 cents was settled under Ex.A1 and has been possession for which revenue authority issued a patta under Ex.A3 in favour of the appellant is sustainable in law?

c. Whether the decree and judgment of lower appellate Court that the suit should have been filed for recovery of property for the possession of the 1/3rd share possession of the measuring the extent of 66 cents since the 2nd defendant is in possession based on the Ex.B2 when the document Ex.B2 had mentioned only without possession is sustainable in law?”

3. Notice to the respondents, returnable by 08.07.2025.

4. List the appeal for hearing on 08.07.2025.

5. Till then, the operation of the decree is ordered to be stayed.”

3.1. Learned counsel for petitioner would further submit that he has filed



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an appeal on 16.01.2025 for modification of patta and restoration of patta in his

name in respect of the subject property, which is stated to be kept pending.

Hence this writ petition.

4. At the outset, it is submitted by Mr.P.Sathish, learned Additional Government Pleader for respondents that petitioner's request would be considered keeping in view the limitation of modification of patta during pendency of litigation in terms of Rule 4(4) of the Tamil Nadu Patta Passbook Rules, 1987, after issuing notice to the petitioner any other interested party including the respondent in the second appeal, within a time frame to be fixed by this Court.

5. In view thereof, the writ petition stands disposed of with a direction to the appropriate respondent to consider the appeal keeping in view the limitation of modification of patta during pendency of litigation in terms of Tamil Nadu Patta Pass Book Rules including but not limited to Rule 4(4) of the Tamil Nadu Patta Passbook Rules, 1987, after issuing notice to the petitioner, and other interested parties including the respondent in the second appeal, within a period of 16 weeks from the date of uploading of web copy without waiting for receipt of certified copy. It is made clear that this Court has not expressed any views



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with regard to the merits of the application and it is open to the concerned

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respondent to consider the application on its own merits and in accordance with

law. No costs.

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Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

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To:

1.The District Collector,
Tirupattur District.

2.The Tahsildar,
Office of the Tirupattur Taluk,
Tirupattur -635 601.



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MOHAMMED SHAFFIQ, J.

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