BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2025

CORAM

THE HON'BLE MRS.JUSTICE N.MALA

W.P.(MD)No.3075 of 2025

and

W.M.P.(MD)No.2145 and 2147 of 2025

S.Amutha Devi : Petitioner

Vs.

1.The District Collector,
O/o. The District Collectorate,
Thiagai Subsramania Siva Malihai,
Velu Nachiyar Valaham, Chettinaickenpatti,
Thadikombu Road,
Dindigul District.

2.The District Revenue Officer,
O/o. The District Collectorate,
Thiagai Subsramania Siva Malihai,
Velu Nachiyar Valaham, Chettinaickenpatti,
Thadikombu Road,
Dindigul District.

3.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Dindigul.

4. The Tahsildar,
O/o. Taluk Office,
Nadumandalam Village,
Dindigul : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the entire records in connection with impugned rejection order passed by the fourth respondent vide proceeding Reference No. 2023/0105/13/408011, Natham (13), Taluk Office, dated 12.06.2024 and quash the same and consequently direct the fourth respondent herein to issue patta in S.No.1045/1A to an extent of 2 Acres and 62 cents situated at Nadumalagalam Village, Dindigul District in favour of the petitioner within the stipulated period that may be fixed by this Court.

For Petitioner	: Mr.Nirajan.S.Kumar
For Respondent No.1	: Mrs.R.Raghavendran Government Advocate

O R D E R

This Writ Petition has been filed challenging the impugned order passed by the fourth respondent, dated 12.06.2024 and consequently, directing the fourth respondent herein to issue patta in S.No.1045/1A to an extent of 2 Acres and 62 cents, at Nadumalagalam Village, Dindigul District in favour of the petitioner within the time frame fixed by this Court.

2. With the consent of both parties, the writ petition is taken up for final disposal.

3. The petitioner purchased the properties to a total extent of 11 acres 45 cents under registered sale deed dated 30.05.2018. Ever since the purchase, the petitioner was in peaceful possession and in enjoyment of the property without any hindrance. While so, the petitioner filed an application for grant of patta on 29.04.2024, the same was not considered. The petitioner filed writ petition in W.P.(MD).No.24200 of 2024 and this Court vide order dated 15.10.2024, directed the respondents to consider the petitioner's application within a period of six weeks from the date of receipt of a copy of the order. Thereafter, the fourth respondent passed the impugned rejection order without providing an opportunity of hearing. Aggrieved by the same, the petitioner filed the above writ petition for the aforesaid relief.

4. The learned counsel for the Petitioner submits that in the impugned order which is an online rejection order the only ground stated was that original suit is pending. The learned counsel further submitted that the impugned order is ex-facie illegal inasmuch as the fourth respondent did not conduct any enquiry as per the provisions of Section 10 of the Patta Passbook Act r/w. Rule 4 of the Patta Passbook Act. The learned counsel further submitted that as no notice of enquiry was issued to the Petitioner and the Petitioner was also not given an opportunity of hearing, the impugned order was in violation of principles of natural justice. The learned counsel therefore submitted that the impugned order deserved to be set aside.

5. A bare glance at the impugned order shows that it is an online order. The application is rejected with a one liner viz., original suit is pending. A reading of the impugned order further shows that the procedure contemplated under the Patta Passbook Act has not been followed while considering the Petitioner's application. This Court has time and again held that the respondents are bound to follow the procedure under Section 10 r/w. Rule 4 of the Patta Passbook Act and Rules while considering the applications for grant of patta.

6. The Section 10(3)(a)(b) and (c) of the Patta Passbook Act reads as follows:

"10. Modification of entries in the patta pass book.

(1)..........

(2)..........

(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.

7. The Petitioner, having purchased the property under registered sale deed, Rule 4(7) applies to the Petitioner and the same reads as follows:

"4. Procedure on receipt of application or information--

1 to 6........

7. The person who acquires by succession, survivorship, inheritance, partition, purchase, or otherwise or by decree or order of a Court or by order of the Government or other authority, any right in or over any land as owner shall send a report in writing to the Tahsildar with details of such acquisition of rights. On receipt of such report, the Tahsildar shall make an enquiry in accordance with the procedure *set out in these rules for the purpose of modification of entries in the Patta Pass Book already issued or for the purpose of issuing new Patta Pass Book. Within fifteen days of completion of the said enquiry, the Tahsildar shall make arrangement so for issuing orders for modification of entries in the Patta Pass Book or for effecting sub-divisions, if necessary, on collection of sub-division fee-of Rs. 3 (Rupees three only) by way of Court-fee labels and to make necessary entries in the Patta Pass Book or for issue of a new Patta Pass Book or otherwise, as the case may be. The aforesaid order shall be communicated to the parties concerned under certificate of posting or by service in person. A copy of the said order shall be communicated to the office of the Sub-Registrar exercising jurisdiction over the land concerned."*

8. The aforesaid provisions make it crystal clear that before passing orders in applications for grant of patta, the parties concerned should be issued with notice, an enquiry should be conducted and thereafter orders have to be passed. In the present case, from the impugned order, it is clear that the above said procedures have not been followed. Therefore, in my view, the impugned order deserves to be set aside and accordingly set aside. The fourth respondent is directed to follow the aforesaid procedures and thereafter pass orders on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order.

9. Before parting with case, I deem it appropriate to reinforce the procedure to be followed why considering the online applications for grant of patta. It would be pertinent to refer here to the Government G.O. No. 382 dated 03.09.2003 wherein the issuance of manual patta was banned by the Government. The Principal Secretary/Commissioner of Survey and Settlement in his letter dated R.C. K2/3774/2014SY dated 09.12.2016 stated as follows:

> *"(i) Online Patta Transfer System using Tamil Nilam Application Software has been extended to 277 out of 285 Taluks in the State.*
>
> *(ii) It confers significant benefits to the public as detailed below:-*
>
> > *(a) People can apply for patta transfer through the authorized Common Service Centres (CSC), eliminating the need for multiple trips to taluk offices.*
> >
> > *(b) They can view the status of the applications online and will get periodic SMS alerts at each stage of processing.*
> >
> > *(c) They can download QR-Coded, digitally signed Patta and A-register copies from the web after approval and thereafter, anytime anywhere*

(iii) The entire process of patta transfer has been reengineered to enable officials to scrutinize and accord approval online, without any physical movement of files.

(iv) All documents are stored in electronic form and can be transferred electronically for processing at various levels. Further the Electronic data archive is maintained for easy retrieval in case of appeal/revision.

(v) Auto-generated Management Information System (MIS) reports will help the supervising authorities to effectively review and monitor the Patta transfer services delivery."

From the said letter of the Principal Secretary it is clear that one among the purposes for online patta transfer was to enable the applicants to get SMS alerts at each stage of processing. In other words to enable the applicants to keep track of the application. Unfortunately in the guise of issuance/ rejection of online patta, the respondents bypass the procedure contemplated under Section 10 read with Section 4 of the Patta Pass Book Act and the Rules which provides for an enquiry, an opportunity of hearing to the applicant as well as the interested persons and issuance of patta/rejection by the Tahsildar by passing orders on merits and in accordance with law.

10. The revenue authorities are required to upload the status of application at each stage by whatsapp messages or SMS. The revenue authorities instead of processing the application in a manner known to law reject the application on flimsy grounds like documents not filed, party not in possession, original suit is pending (like in the present case) etc.,. Legally the respondents ought to merely mention the stage/status of the application until final orders are passed on the application after due enquiry. If the respondents need any further documents or clarification they cannot reject the application but have to issue notice to the party to produce the document or submit the clarification. As the Courts are flooded with cases where the applications are rejected with one liners, contrary to the procedure contemplated under the Act, I deem it appropriate to issue certain directions to the Revenue authorities dealing with application for grant of patta. Before proceeding further I deem it appropriate to refer to an order passed by a Learned Judge of this Court in W.P. (MD). No. 25307 of 2024, wherein the Learned Judge in Para 12 issued certain directions relating to the procedure to be followed post receipt of online application by the revenue authorities. The Learned Judge issued the following directions:

> *"12. Therefore, taking into account the above, this Court issues the following guidelines relating to the procedure to be followed post receipt of online applications by the revenue authoritoies: -*
>
> > *a) On a preliminary perusal of the documents submitted alongwith the application, if the authorities feel that further documents are required, then they can inform the applicant to produce the*

said documents: and not proceed to reject the application on the ground of want of documents.

b) If the authorities require any clarification, they can afford an opportunity to the applicant to clarify the doubt.

c) If the documents are in order, the request may be granted and such orders need not be a speaking one.

d) If the authority is convinced from the records that the request has to be rejected, then a speaking order citing the reasons shall be issued."

11. Apart from the above directions I would like to add a couple of more directions:

i) The revenue authorities during the pendency of the enquiry proceedings on the online application shall upload the status of the application as "enquiry pending" in addition to the directions (a) and (b) issued in the above order of the Learned Single Judge.

ii) When the application is rejected, the same shall be done as per the direction (d) of the aforesaid order of the Learned Judge and at the same time while uploading the status of the application as rejected, the PDF file of the proceedings of the Tashildar shall also be uploaded so as to enable the applicant to challenge the rejection order by way of Statutory appeal provided under the Patta Pass Book Act and Rules.

12. It is made clear that without an enquiry no application shall be rejected and until the disposal of the application either way the stage/status alone shall be uploaded in the website.

13. It is unfortunate that inspite of the specific orders passed by this Court on 24.10.2024 in W.P. (MD). No. 35307 of 2024, the Court is flooded with cases challenging the One Line rejection orders by way of whatsapp messages and SMS.

14. I am therefore of the view that in order to save judicial time by avoiding vexatious litigations, the order passed herein should be circulated by the Commissioner of Land Administration to all the Revenue Authorities dealing with applications for grant of patta either at the initial stage or the appellate stage.

15. The Registry is directed to mark a copy of this order to the Commissioner of Land Administration, Chennai and to the Secretary to the Government Revenue and disaster Management, Fort St. George, Chennai for appropriate orders.

16. The Writ Petition is accordingly allowed and there shall be no orders as to costs. Consequently, connected miscellaneous petitions are closed.

31.01.2025

MR/ah

NCC : Yes/No

Index :Yes / No

Internet : Yes / No

To

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O/o. Taluk Office,
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Dindigul

N.MALA, J.

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Copy to:

1.The Commissioner of Land Administration,
Chennai.

2.The Secretary to the Government,
Revenue and Disaster Management,
Fort St.George,
Chennai.

W.P.(MD)No.3075 of 2025

31.01.2025