

(2012) 01 MAD CK 0142
In the Madras High Court
Case No : W.P.No. 15877 of 2011

Komala

APPELLANT

Vs

The Collector, The Tahsildar and Subramani Reddy

RESPONDENT

Date of Decision : 09-01-2012

Acts Referred:

Citation : (2012) 01 MAD CK 0142

Hon'ble Judges : Vinod K. Sharma, J

Bench : Single Bench

Advocate : P. Ramamoorthy, for the Appellant; R. Ravichandran Addl. Govt. Pleader, for the Respondent

Final Decision : Allowed

Judgement

Honourable Mr. Justice Vinod K. Sharma

1. The petitioner has approached this Court with a prayer for issuance of a Writ in the nature of Mandamus, directing the Respondent No.2 to

decide the application filed by the petitioner for change of patta in pursuance of the purchase of the property.

2. The case pleaded is that the petitioner purchased the land situated at Kunnathur Village, Arakkonam Taluk, Vellore District comprising Survey

Nos.474/2B measuring 2.00.5 acres vide patta No.1089.

3. The sale deed in favour of the petitioner was registered on 26th March, 2009 vide Document No.3161 of 2009 in the office of the Sub-

Registrar, Arakkonam. The petitioner, after purchasing the property, applied for patta before the second respondent on 26th June 2009. The

provisions of Tamil Nadu Patta Passbook Act, 1983, shows that it is within the jurisdiction of Respondent No.2, to decide the application for

change of patta in exercise of quasi judicial powers, Respondent No.2 had not proceed to accept or reject the application. The petitioner being

aggrieved by the inaction on the part of the respondent No.2 approached respondent No.1, who directed Respondent No.2 to decide the

application moved by the petitioner. In spite of the direction of the higher officer, the respondent No.2 has still not disposed of the application,

which is said to be pending with him since 26.06.2009.

4. Learned counsel for the State contended that the petitioner is not entitled to change of patta, as he is not in possession of the property, and the

patta stands in the name of the Respondent No.3.

5. The defence raised by the respondent deserves to be rejected for the simple reason that Respondent No.2, cannot avoid performing his

statutory duties, in deciding the application made under the statute, which gives him power to accept or reject the application.

6. The very object of enacting the Tamil Nadu Patta Pass Book Act, 1983, is to adjudicate the right of the parties with regard to the grant of patta.

The respondent no.2 cannot refuse to entertain the application on the ground that the party is not entitled to the grant of patta. The respondent no.2

is, under statutory obligation, to take a final decision and determine the right of the party by accepting or dismissing the application moved for

change of patta, so that the aggrieved party can avail statutory remedy of appeal and revision, if aggrieved.

7. In the case in hand, respondent no.2 has not only failed to perform his statutory obligation, but has also ignored the direction issued by the

Superior Officer, i.e. respondent no.1, directing him to take final decision on the application moved by the petitioner.

8. For the reasons stated, this writ petition is allowed. A writ in the nature of Mandamus is issued, directing the respondent no.2 to take final

decision on the application moved by the petitioner for change of patta within two month of the receipt of certified copy of this order. The

petitioner shall also be entitled to the cost of this writ petition, which are assessed at Rs.20,000/-(Rupees Twenty Thousand only). The State shall

be at liberty to recover the costs from erring Officer. The respondent no.2 is directed to give personal hearing to the petitioner before taking final

decision on the application. No costs.