



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2015

CORAM:

THE HONOURABLE Mr.JUSTICE K.RAVICHANDRABAABU

W.P. (MD) No.21327 of 2015

WEB COPY

A.Addaiki

... Petitioner

Vs.

1.The District Collector,
District Collector Campus,
Dindigul District.

2.The District Revenue Officer,
District Revenue Office,
Dindigul District.

3.The Revenue Divisional Officer,
Natham Division,
Dindigul District.

4.The Tahsildar,
Natham Division,
Dindigul District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd respondent to conduct an inquiry and issue patta to the land in Survey No.179/20 at Puthur Village, Natham Circle, Dindigul District in favour of the petitioner.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.M.Murugan, G.A.

O R D E R

The petitioner seeks for a Mandamus, directing the 3rd respondent to conduct an enquiry and issue patta in respect of the land situate in Survey No.179/20 at Puthur Village, Natham Circle, Dindigul District.

2.Mr.Murugan, learned Government Advocate appearing for the respondents based on instruction submitted that the 4th respondent / Tahsildar has already issued patta in favour of one Patchaimuthu and therefore, the proper course action for the petitioner to challenge the said issuance of patta in favour of that person is to go before the 3rd respondent and without doing so, he cannot seek for a direction to the 3rd respondent to conduct an independent enquiry as sought for in this Writ petition.

3.I find force in the submissions made by the learned Government Advocate. When the patta, in respect of the subject matter of the land, has already been issued in favour of the third party, then the proper course action for the petitioner is to challenge such proceedings by way of filing an appeal before the 3rd respondent. It is seen that the



petitioner has not resorted to such remedy so far. When that being the position, seeking for the relief as sought for in the Writ petition cannot be entertained.

4. Accordingly, this Writ petition is dismissed, however, by granting liberty to the petitioner to challenge the patta issued in favour of the third party in a manner known to law before the appropriate authority. No costs.

SD/-
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To

1. The District Collector,
District Collector Campus, Dindigul District.
2. The District Revenue Officer,
District Revenue Office, Dindigul District.
3. The Revenue Divisional Officer,
Natham Division, Dindigul District.
4. The Tahsildar,
Natham Division, Dindigul District.

+1cc to MR.T.Lajapathi Roy, Advocate, Sr No.68761
+1 cc TO THE SPECIAL GOVERNMENT PLEADER, SR NO:68530

JAM /11.12.15/PM/2P-7C

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