



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.08.2015

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THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.(MD)No.7206 of 2013

and

M.P(MD)No.1 of 2013

KL.Meyyappan

rep. By his power of Attorney,

M.S.Mani

... Petitioner

Vs.

1.The District Collector,
District Collector Campus,
Sivagangai.

2.The District Revenue Officer,
O/o.District Revenue Office,
Sivagangai District.

3.The Revenue Divisional Officer,
O/o.the Revenue Divisional Office,
Devakottai,
Sivagangai District.

4.The Tahsildar,
Devakottai Taluk,
Sivagangai District.

5.V.Meyyappan

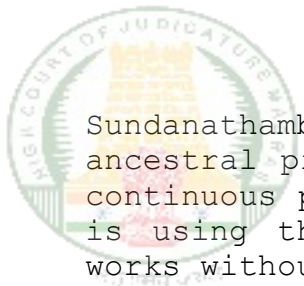
... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the Respondent No.2 to enquire about the patta issued to the Respondent No.5 with regard to the properties in S.Nos.472/8, 472/9, 473/3, situated at Sundanathambam Village, Devakottai Taluk, Sivagangai District and cancel the same within the time stipulated by this Hon'ble Court.

For Petitioner	: Mr.M.Fazil for Mr.T.Lajapathi Roy
For R1 to R4	: Mr.S.Chandra Sekar Government Advocate
For R5	: No appearance

ORDER

The writ petition has been filed for writ of mandamus directing the second respondent to enquire about the patta issued to the fifth respondent. 2.The petitioner has come out with the present writ petition alleging that the fifth respondent whose name V.Meyyappan has impersonated the petitioner's name KL.Meyyappan. The patta was issued to the fifth respondent due to impersonation. According to the petitioner, the properties in Survey Nos. 472/8, 472/9, 473/3, situated at



Sundanathambam Village, Devakottai Taluk, Sivagangai District are the ancestral properties of the petitioner. He and his forefathers are in continuous possession for more than 100 years. At present, the petitioner is using the properties as cattle field and carrying out agricultural works without any hindrance.

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3. The learned Additional Government Pleader produced the proceedings of Tahsildar dated Nil.02.2014 in Na.Ka.A1/3676/2013 of fourth respondent and submitted that the land in survey No. 472/8, 472/9, 473/3 are classified as Sarkar Porambok and Natham Nilavari Thittam Patta issued to the following persons 1) Meenakshi W/o. Vaiyapuri, Survey No. 472/9 to an extent of 0.01.46 hectare, patta No. 396, 2) Meyyappan, S/o. Vaiyapuram, Survey No. 472/8 to an extent of 0.00.83 hectare patta No. 665, TK.8A/1414 and 3) Karthick S/o. Meyyappan, Survey No. 473/3 to an extent of 0.00.98 hectare patta No. 696. If the petitioner is aggrieved by issuing of patta, his remedy is only by way of appeal.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent.

5. Admittedly, Natham Patta has been issued to three persons including fifth respondent. Appeal remedy is available to the aggrieved person seeking cancellation of patta. The petitioner has not availed the appeal remedy.

6. In view of the same, the writ petition is not maintainable and dismissed. It is open to the petitioner to file an appeal before the appropriate forum for appropriate relief. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
District Collector Campus, Sivagangai.

2. The District Revenue Officer,
O/o. District Revenue Office,
Sivagangai District.

3. The Revenue Divisional Officer,
O/o. the Revenue Divisional Office,
Devakottai, Sivagangai District.

4. The Tahsildar, Devakottai Taluk, Sivagangai District.

+1cc to Mr. T. Lajapathi Roy, Advocate SR.No.45091

+3ccs to The Special Government Pleader, Madurai. SR.No.45260, 45262, 45257

W.P. (MD) No.7206 of 2013

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