



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.[MD].No.951 of 2015
and

M.P.(MD).No.1 of 2015

Sengaimaran

.. Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The District Revenue Officer,
Sivagangai, Sivagangai District.

3.The Tahsildar,
Thiruppuvanam Taluk,
Sivagangai District.

4.The Executive Officer,
Thiruppuvanam Town Panchayat,
Thiruppuvanam, Sivagangai District.

5.Rajagopal

6.Pathmavathi

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the 2nd respondent to cancel the patta issued in favour of the respondents 5 and 6 for the land in S.No.101/3B2 situated in Thiruppuvanam Pudhur Village Group, Thiruppuvanam Taluk, Sivaganagi District and to forbear the 4th respondent to give any building plan approval in respect of the property in S.No.101/3B2 situated in Thiruppuvanam Pudhur Village Group, Thiruppuvanam Taluk, Sivagangai District.

For Petitioner

: Mr.V.Kannan

For respondents
1 to 3

: Mr.Aayiram K.Selvakumar,
Government Advocate

For 4th respondent

: No appearance

O R D E R

[Order of the Court was made by S.NAGAMUTHU, J.]

The petitioner has come up with this Writ Petition under the guise of a Public Interest Litigation seeking a direction to the 2nd respondent to cancel the patta issued in favour of the respondent Nos. 5 and 6 for the land in S.No.101/3B2 situated in Thiruppuvanam Pudhur Village Group, Thiruppuvanam Taluk, Sivaganagi District.

2. We have heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents 1 to 3.

3.A perusal of the record would go to show that the Joint Commissioner, Hindu Religious and Charitable Endowment Department, Sivagangai in Na.Ka.No.978/2011/A3, dated 10.02.2011 has requested the Sub Registrar not to register any document relating to the land in Survey No.101/3B2 and the said land has been classified as "Thanneer Pandal" in "A" Register.

4. In our considered view, whether the patta granted to the respondent is right or wrong is a matter to be gone into evidence. In this Public Interest Litigation, the same cannot be decided. In view of the same, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub-Assistant Registrar

To

1.The District Collector,

Sivagangai District, Sivagangai.

2.The District Revenue Officer,

Sivagangai, Sivagangai District.

3.The Tahsildar, Thiruppuvanam Taluk, Sivagangai District.

4.The Executive Officer,

Thiruppuvanam Town Panchayat,

Thiruppuvanam, Sivagangai District.

+One cc to Mr.V.Kannan, Advocate, SR.No.53534

+One cc to The Special Government Pleader, SR.No.53936

gcg

RL/7c/2P/SS3/4.10.2016