



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.09.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.18601 of 2016

N.Vellaisamy

... Petitioner

Vs.

- 1.The District Collector,
Pudukkottai District,
Pudukkottai.
- 2.The Revenue Divisional Officer,
Pudukkottai,
Pudukkottai District.
- 3.The Tahsildar,
Ponnamaravathy Taluk,
Pudukkottai District.
- 4.Raju
- 5.Saravanan
- 6.R.Periyasamy

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the respondents No.1 to 3 not to issue the patta infavour of the respondents No. 4 to 6, on the basis of the Judgment and decree in O.S.No.39 of 2014 on the file of the Learned District Munsif Cum Judicial Magistrate, Thirumayam, Pudukkottai District, dated 01.08.2015 by considering the Petitioner's representation dated 28.11.2012, 15.09.2015 and 19.11.2015.

For Petitioner

: Mr.M.Ramu

For Respondents 1 to 3

: Mr.V.Muruganandam

Addl. Government Pleader

ORDER

The petitioner has filed this Writ Petition seeking a direction, directing the respondents No.1 to 3 not to issue the patta in favour of the respondents No. 4 to 6, on the basis of the Judgment and decree in O.S.No.39 of 2014 on the file of the Learned District Munsif Cum Judicial Magistrate, Thirumayam, Pudukkottai District, dated 01.08.2015 by considering the petitioner's representation dated 28.11.2012, 15.09.2015 and



19.11.2015.

2. Admittedly, the petitioner claims to be the lessee of the property.

3. According to the petitioner, the respondents 4 to 6 are taking steps to transfer the patta in respect of the land, for which, he is the lessee. Hence, the petitioner approached the 3rd respondent/Tahsildar, Ponnamaravathi Taluk, Pudukkottai District. Since no order has been passed by the third respondent, the present writ petition has been filed.

4. Heard the submissions made on either side and perused the material documents carefully.

5. On perusal of the documents, this Court is of the view that the petitioner being the lessee of the property has no right to raise his objection for change of patta. If the owner of the land is not having any objection for transfer of patta, it is not open to the lessee to challenge the same.

6. In view of the above, this writ petition, seeking a direction to the respondents No.1 to 3 not to issue the patta in favour of the respondents No. 4 to 6, is not maintainable and the same is devoid of merit. Accordingly, this writ petition is dismissed. There shall be no order as to costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

vs

To

1. The District Collector,
Pudukkottai District,
Pudukkottai.
2. The Revenue Divisional Officer,
Pudukkottai,
Pudukkottai District.
3. The Tahsildar,
Ponnamaravathy Taluk,
Pudukkottai District.

+1cc to Mr.M.Ramu Advocate Sr.No. 56800

+1cc to Spl.Government Pleader Sr.No. 57018

JAM/26.10.16/DB 2p-6c