



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 19.12.2016
CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

WEB COPY

W.P(MD)No.9226 of 2013
and
M.P(MD)Nos.1,2 and 3 of 2013

Maria Rayammal

..Petitioner

Vs

1.The District Collector,
Tuticorin District,
Tuticorin.

2.The Revenue Divisional Officer,
Kovilpatti Revenue Division,
Kovilpatti,
Tuticorin District.

3.The Tahsildar,
Vilathikulam Taluk,
Tuticorin District.

4.The Project Officer/District Rural Development Officer,
Tuticorin District,
Tuticorin- 628 101.

5.The Commissioner,
Vilathikulam Panchayat Union,
Vilathikulam Taluk,
Tuticorin District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order in Na.Ka.D2/54251/2012, dated 10.5.2013 passed by the first respondent and to quash the same as illegal and to direct the respondents 1 to 4 to rectify the mistake by changing the patta, in the Petitioner's name, from 'Anaatheenam and Poramboke' for an extent of 3.42 acres in S.No.105/3 in Periyasampuram Village in Vilathikulam Taluk in Tuticorin District.

For Petitioner

:M/s.F.X.Eugene

For Respondents

:Mr.T.R.Janarthanan

<https://hcservices.ecourts.gov.in/hcservices/> 1 to 4

Addl.Govt.Pleader

For Respondent-5

:Mr.S.Satheeshkumar

Addl.Govt.Pleader.

ORDER

The challenge in the present Writ Petition is to an order passed by the first respondent, dated 10.5.2013 whereby the Petitioner's request for grant of patta in S.No.105/3 in Periyasampuram Village, Vilathikulam Taluk, Tuticorin District, was rejected.

2. Pending the Writ Petition, the Petitioner has also filed a suit in O.S.No.196 of 2015 before the Sub-Court, Kovilpatti, seeking for a decree of declaration in respect of the above-said lands, which is said to be pending.

3. The Petitioner's grievance in the present Writ Petition is that the subject lands belong to her, which fact is disputed by the respondents and hence, the Petitioner has chosen to file a civil suit. It would not be appropriate for the Petitioner to agitate the same issue before two forums. Hence the present Writ Petition seeking to quash the order of the first respondent is liable to be dismissed and accordingly the Writ Petition is dismissed. The Petitioner is given liberty to challenge the present impugned order, dated 10.5.2013 passed by the first respondent based on the outcome of the suit in O.S.No.196 of 2015 pending before the Sub-Court, Kovilpatti. Consequently, connected Miscellaneous Petitions are dismissed. No costs.

Sd/-
Deputy Registrar (J)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Tuticorin District,
Tuticorin.

2. The Revenue Divisional Officer,
Kovilpatti Revenue Division,
Kovilpatti,
Tuticorin District.

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Tuticorin- 628 101.



5.The Commissioner,
Vilathikulam Panchayat Union,
Vilathikulam Taluk,
Tuticorin District.

+1cc to M/S THE SPECIAL GOVERNMENT PLEADER, SR.NO.81893

W.P(MD)No.9226 of 2013
and
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vsn
rum/ck/04.01.2017/3p/7c