



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P (MD) No.4893 of 2017

and

W.M.P (MD) .No.3932 of 2017

1. Chairmathai

2. Anthonyammal

....Petitioners

Vs

1. The District Collector,
Tuticorin & District.2. The Tasildhar,
Kovilpatti,
Tuticorin District.

3. Ayyasamy

4. Kuthalam

....Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration declaring that the proceeding of 2nd respondent in issue of patta Nos.2894, 2895, 2896, 2897, 2898, 2899, 2900, 2901 and 2902 with regard to the properties situated at Survey No.64/4 admeasuring 4 Acres & 14 cents: S.No.59/8B admeasuring 84 cents: S.No.39/6 admeasuring 2 Acres & 8 cents: S.No.33/5 admeasuring 0.03.0 Hec: S.No.65/3 admeasuring 0.38.5 Hec: S.No.38/4 admeasuring 1 Acre & 36 cents: S.No.38/6 admeasuring 0.34.0 Hec; S.No.34/1 admeasuring 34/1 and S.No.38/5 admeasuring 0.02.0 Hec of Chettikurichi Village, Kovilpatti Taluk, Tuticorin District null and void.

For Petitioner : Mr.B.Rajesh Saravanan

For RR 1 and 2 : Mr.A.Muthukaruppan
Additional Government Pleader

O R D E R

The petitioner has approached this Court seeking a writ of declaration to declare the proceeding of 2nd respondent in issue of patta Nos.2894, 2895, 2896, 2897, 2898, 2899, 2900, 2901 and 2902 with regard to the properties situated at Survey No.64/4 admeasuring

4 Acres & 14 cents: S.No.59/8B admeasuring 84 cents: S.No.39/6 admeasuring 2 Acres & 8 cents: S.No.33/5 admeasuring 0.03.0 Hec: S.No.65/3 admeasuring 0.38.5 Hec: S.No.38/4 admeasuring 1 Acre & 36 cents: S.No.38/6 admeasuring 0.34.0 Hec; S.No.34/1 admeasuring 34/1 and S.No.38/5 admeasuring 0.02.0 Hec of Chettikurichi Village, Kovilpatti Taluk, Tuticorin District null and void.

2.Mr.A.Muthukaruppan, learned Additional Government Pleader takes notice for the respondents 1 and 2.

3.According to the learned counsel for the petitioner, the revenue records of the subject property have been mutated in favour of the private respondents and he had not been given any notice and he came to know only in the year 2017 about the mutation of the lands.

4.The learned Additional Government Pleader for the respondents land 2 would submit that the petitioner has appeal remedy under Patta Passbook Act and therefore without proper reason, he has approached this Court directly invoking Article 226 of the Constitution of India.

5.The issue is whether the petitioner is entitled to be granted patta or not is a matter to be decided by the Revenue Authorities and no such relief can be given by this Court, exercising jurisdiction under Article 226 of the Constitution of India. Therefore, the petitioner, if he so advised may file an appeal under the said Act and it is open to the petitioner to raise all issues and grounds that are raised in the present writ petition, before the authority concerned.

6. In that view of the matter, the present writ petition is not maintainable and therefore the same is disposed of with the above observation. No Costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To

1. The District Collector,
Tuticorin & District.

2. The Tasildhar,
Kovilpatti,
Tuticorin District.

+1 CC TO MR.B.RAJESH SARAVANAN,ADVOCATE,SR NO.16962

+1 CC TO SPECIAL GOVERNMENT PLEADER SR NO.17021

PJL

MAS/SKN:10.04.2017:2P-5C

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