



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 26.07.2017

CORAM

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THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6143 of 2017

N.Murugesan

.. Petitioner

Vs.

1.The District Collector,
Trichy District.

2.The Tahsildar,
Manapparai Taluk,
Trichy District.

3.The Inspector General of Registration,
Registration Office,
Chennai - 28.

4.The District Registrar,
Trichy.

5.A.Pitchaimuthu

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus to call for the entire records pertaining to the impugned patta No.91 with respect to S.No.140/2 issued by the 2nd respondent in favour of the 5th respondent and quash the same as illegal and consequently direct the respondents 1 to 4 to restore the tank in its original position comprised in S.No.140/2 admeasuring an extent of 12 acres situate at V.Periapatti, Manapparai Taluk, Trichy District as before encroachment.

For Petitioner

: Mr.K.Sureshkumar

For RR - 1 to 4

: Mr.M.Govindan

Special Government Pleader

For R - 5

: Mr.R.Boomirajan

ORDER

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(Order of the Court was made by K.K.SASIDHARAN, J.)

The petitioner filed this Writ Petition challenging the patta issued to the fifth respondent by the second respondent on the ground that the tank poramboke was the subject matter of the assignment.

2.The learned Special Government Pleader appearing for the respondents 1 to 4, on instructions, submitted that the property in Survey No.140/2 is a private land.

3.The learned counsel appearing for the petitioner would contend that the fifth respondent fabricated records to make it appear as if it is a private land and obtained patta from the second respondent.

4.There is a statutory remedy available to the petitioner under Section 12 of the Tamil Nadu Patta Pass Book Act, 1983. *"The statute permits any person aggrieved by an order of the Tahsildar under the Act granting patta to file an appeal before the appellate authority."* Since statutory remedy is available to the petitioner, we do not find any reason to entertain this Writ Petition. It is open to the petitioner to file an appeal before the appropriate forum under the Tamil Nadu Patta Pass Book Act, 1983.

5.The Writ Petition is dismissed with the above observation. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

- 1.The District Collector, Trichy District.
 - 2.The Tahsildar, Manapparai Taluk, Trichy District.
 - 3.The Inspector General of Registration,
Registration Office, Chennai - 28.
 - 4.The District Registrar, Trichy.
- +One cc to Mr.K.Suresh Kumar, Advocate, SR.No.68096
+One cc to Mr.R.Boomirajan, Advocate, SR.No.68157
+One cc to The Special Government Pleader, SR.No.68720