



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.23761 of 2016

V.Ayyasamy

.. Petitioner

Vs.

The State Rep.by

1.The District Collector,
District Collector Campus, Trichy.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
District Collectorate Campus,
Trichy.

3.The Tahsildar,
Trichy West Taluk,
Cantonment, Trichy-1.

4.Celin Joseph

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to cancel the Patta in the name of the 4th respondent with regard to the land in Trichy District, Trichy West Taluk, Pirattiyur Village in Old Survey Nos.119B and 124, New Survey Number Ward AL,Block-34, T.S.Nos.8/1 to 8/6 considering the petitioner's representation dated 18.08.2016.

For petitioner	: Mr.M.Silambarasan
For R1 to R3	: Mr.M.Govindan Special Government Pleader.
For R4	: B.Saravanan

O R D E R

[Order of the Court was made by **K.K.SASIDHARAN, J.**]

The petitioner filed this writ petition to direct the second respondent to cancel the Patta issued to the fourth respondent in respect of the land in Old Survey Nos.119B and 124, New Survey Number Ward AL, Block-34, T.S.Nos.8/1 to 8/6, by considering his representation dated 18.08.2016.



2. There is no question of issuing a direction to the second respondent to consider the representation for cancellation of Patta. There is a statutory remedy available to the petitioner under Patta Passbook Act. When there is a statutory remedy available to the petitioner, there is no question of by-passing such remedy and initiating the proceedings under Article 226 of the Constitution of India. We therefore find no reason to entertain the Writ Petition. However, we make it clear that this order would not stand in the way of the petitioner from challenging the proceedings in and by which, Patta was issued to the fourth respondent.

The writ petition is disposed of with the above observation. No costs.

Sd/
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
District Collector Campus, Trichy.
2. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
District Collectorate Campus,
Trichy.
3. The Tahsildar,
Trichy West Taluk,
Cantonment, Trichy-1.

+1cc to Mr.B.Saravanan, Advocate SR.No.68818

PSD/NS

VB/GT/SAR4/31.08.2017/2P/5C

**ORDER MADE IN
W.P(MD) No.23761 of 2016
28.07.2017**