

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :23.04.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.22562 of 2014

and

M.P.No.1 of 2014

S.Murugan

..Petitioner

Vs

1.The District Collector,
Villupuram District.

2.The Sub-Collector,
Dindivanam,
Villupuram District.

3.The Tahsildar,
Gingee, Villupuram District.

4.Premavathi

5.Thilagavathi

..Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Mandamus, directing the Respondents 1 to 3 to cancel the patta issued to the respondents 4 & 5 and thereby, directing the respondents 1 to 3 to issue patta in the name of the petitioner.

For Petitioner : Mr.K.Murugesan

For Respondents: Mr.D.Raghu, GA for R1 to R3

Mr.G.Ethirajulu for R4 & R5

O R D E R

The relief sought for in this writ petition is for a direction to the respondents 1 to 3 to cancel the patta issued to the respondents 4 & 5 and thereby directing the respondents 1 to 3 to issue patta in the name of the petitioner.

2.The learned Government Advocate appearing on behalf of the respondents 1 to 3, made a submission that the patta issued in favour of the respondents 4 & 5 are unconnected. The present writ petition is filed, in order to get access by cancelling the patta granted in favour of the respondents 4 & 5. However,

these issues cannot be adjudicated in this writ petition under Article 226 of the Constitution of India. The patta is provided under the provisions of Patta Pass-Book Act. The grant of patta or its cancellation are to be adjudicated under the provisions of the Patta Pass-Book Act by the competent authorities. Even after the adjudication by the original authority, there is an Appeal provision provided under the said Act.

3.Thus, the writ petitioner has to redress the grievances in the manner known to law. However, the cancellation of patta granted in favour of the 4th & 5th respondents cannot be adjudicated and those factual aspects and the documents related are to be verified and an adjudicative process has to be conducted by the competent authorities.

4.This being the factum of the case, the present writ petition cannot be considered in relation to the relief as such sought for in this writ petition.

5.Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True copy//

Sub Assistant Registrar

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To

1.The District Collector,
Villupuram District.

2.The Sub-Collector,
Dindivanam,
Villupuram District.

3.The Tahsildar,
Gingee, Villupuram District.

+1cc to Mr.G.Ethirajulu, Advocate SR.No.29900
+1cc to Government Pleader SR.No.30692

W.P.No.22562 of 2014

PPA (CO)
GN(16/05/2018)