



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE V. PARTHIBAN

W.P. (MD) No.19134 of 2018

and

W.M.P. (MD) Nos.16978 & 16979 of 2018

A.Mohana Krishnan

... Petitioner

vs .

1. The District Revenue Officer
Tirunelveli - District
Collectorate, Tirunelveli
2. The Revenue Divisional Officer
Tenkasi Revenue Division
Tenkasi, Tirunelveli - District
3. The Tahsildar
Shenkottai- Taluk
Sankarankovil
Shenkottai
Tirunelveli-District
4. C.Leela

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus pertaining to the impugned order Na.Ka.No.A4.3572/2016, dated 30.01.2017, passed by the 2nd respondent and Pa.Mu/6311(Ka2)U.D.R.14/2017, dated 18.06.2018, passed by the 1st respondent and quash both the orders as void and illegal and thereby directing the respondents 1 to 3 to keep the Patta No.1654 in the name of the petitioner for the 21 cents (0.08.50 Aer) in S.No.74/5 in Vallam, revenue Village, in Shenkottai Taluk, in Tirunelveli - District.

For Petitioner : Mr.F.X.Eugene

For Respondents : Mr.M.Jeyakumar

Additional Government Pleader for R1 to R3

O R D E R

The petitioner is aggrieved by the order passed by the first respondent in changing the Patta in the name of the fourth



respondent in respect of the property, which according to the petitioner, was owned by him. The case of the petitioner is that he had purchased 21 Cents of land, in Survey No.74/5, in Vallam Village, Shenkottai Taluk, Tirunelveli District, from Paramasivam and Jambunathan, by a registered Sale Deed dated 30.11.1998. According to the petitioner, the Patta originally stood in the name of the vendors being Patta No.809 and subsequently, on purchase of the property, it was transferred to the petitioner's name with the Patta bearing No.1654. Subsequently, he got the Layout approved on 02.08.2004 and he has been in absolute possession and enjoyment of the property under his occupation.

2. While the matter stood thus, the fourth respondent filed a suit in O.S.No.60 of 2010, on the file of the District Munsif Court, Shenkottai, seeking declaration and recovery of possession from the petitioner in regard to the subject property. The said suit, according to the petitioner, was dismissed for default and no steps were taken to restore the suit. According to the petitioner, an I.A.S. Officer, who is closely related to the fourth respondent, has influenced the second respondent and on the basis of her influence, the second respondent passed an order on 30.01.2017 changing the Patta in the name of the fourth respondent. Against the said order, a revision petition was filed by the petitioner herein before the first respondent and the first respondent passed an order, on 18.06.2018, confirming the order passed by the second respondent. The order passed by the first respondent, dated 18.06.2018, is put to challenge in this writ petition.

3. According to the learned counsel for the petitioner, because of the influence exercised by an I.A.S. Officer, the second respondent and the first respondent have passed orders to the detriment of the petitioner's interest and in favour of the fourth respondent. This Court is unable to appreciate such an argument, since both the second respondent and first respondent have passed detailed orders, after adverting to various materials, in favour of the fourth respondent and against the petitioner.

4. In stead of approaching the competent Civil Court, the petitioner has chosen to approach this Court by invoking its special jurisdiction under Article 226 of the Constitution of India. Since such an issue involves an adjudication of factual disputes as between the private parties, which obviously cannot be done in a writ jurisdiction, this Court is of the considered view that the writ petition, as it is, is not maintainable and therefore, the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

/True Copy/



To:

1. The District Revenue Officer,
Tirunelveli - District,
Collectorate, Tirunelveli.
2. The Revenue Divisional Officer,
Tenkasi Revenue Division,
Tenkasi, Tirunelveli - District.
3. The Tahsildar,
Shenkottai- Taluk,
Sankarankovil,
Shenkottai,
Tirunelveli-District.

+ 1 CC TO Mr.F.X.EUGENE, ADVOCATE IN SR No. 82007
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 82515

KRK

TE/RSK/SAR-2 : 24/09/2018 : 3P/6C

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