



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 11.09.2018
CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

WEB COPY

W.P.[MD]No.19602 of 2018
and
W.M.P.[MD]No.17386 of 2018

M.Ganamani : Petitioner
Vs.

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The District Revenue Officer,
Tirunelveli District,
Tirunelveli.
- 3.The Revenue Divisional Officer,
Tirunelveli,
Tirunelveli District.
- 4.The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.
- 5.Ramakani Ammal
- 6.Kannan

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the patta issued to the respondent No.5 towards the petitioner's patta land bearing Survey No.567/3A2 of Karaisuthupudur Revenue Village, Radhapuram Taluk, Tirunelveli District and quash the same and consequently direct the respondents 1 to 4 to cancel the subterfuge proceedings conducted amongst the respondents 5 & 6.

For Petitioner : Mr.K.K.Samy
For Respondents 1 to 4 : Mr.A.Muthukaruppan
Additional Government Pleader

ORDER

The prayer in the writ petition is to issue a Writ of Certiorarified Mandamus, calling for the records of the patta issued to the fifth respondent and quash the same and consequently to direct the respondents to cancel the subterfuge proceedings amongst the fifth and sixth respondent.



2.From the materials and the averments as disclosed in the affidavit, this Court does not find any particular order being challenged in respect of the patta proceedings of the respondents. The petitioner has come forward with this writ petition merely seeking to quash the patta given to the fifth respondent. Such challenge cannot be entertained by this Court in writ jurisdiction for the reason that the petitioner has not chosen to challenge any proceedings of the revenue officials for change of patta in favour of the private respondents as against the interest of the petitioner. In the absence of challenge to any particular proceedings of the revenue official, the writ as it is cannot be entertained. More so, there cannot be a challenge to the patta without challenging the proceedings which culminated in the issuance of the patta.

3.Therefore, this Court is of the considered view that the writ petition as it is framed is not maintainable and it is dismissed, accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-I)

To

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The District Revenue Officer,
Tirunelveli District,
Tirunelveli.
- 3.The Revenue Divisional Officer,
Tirunelveli,
Tirunelveli District.
- 4.The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.

+1CC to Mr.K.K.Samy, Advocate, SR.No. 83971

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MR