



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.20700 of 2018

C.Ravikumar

... Petitioner

vs.

1.The District Collector
Tirunelveli District, Tirunelveli

2.The Revenue Divisional Officer
Revenue Divisional Office
Tirunelveli District

3.The Tahsildar
Palayamkottai Taluk
Tirunelveli District

4.Samraj ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the Respondents 1 to 3 herein to cancel the Patta in Patta No.2870 in Survey No.620/9 situated at Sengulam, Palayamkottai Taluk, Tirunelveli District and restore the Patta in Patta No.968 for the Survey Nos.620/9 and 628/1 situated at Sengulam, Palayamkottai Taluk, Tirunelveli District in the Petitioner's favour in the light of the Petitioner's representation dated 25.06.2018.

For Petitioner : Mr.V.M.Jegadeesha Pandian

For Respondents : Mr.C.M.Mari Chelliah Prabhu

Additional Government Pleader for R1 to R3

O R D E R

According to the petitioner, on 31.05.1993, he had purchased the property comprised in Survey No.620/9, measuring an extent of 60 Cents, in Senkulam Village, Palayamkottai Taluk, Tirunelveli District, from Muthiah Thevar, Lakshmiammal and Murugan. Thereafter, he has mutated the revenue records in his name and he is in possession and enjoyment of the same. While so, at the instance of the fourth respondent, the revenue records have been mutated by including his name vide proceedings of the second respondent. In these circumstances, the petitioner had approached the first respondent on 25.06.2018 seeking to cancel the



fraudulent Patta granted in favour of the fourth respondent. The first respondent appears to have forwarded the representation to the second respondent to conduct enquiry and pass orders. Thereafter, on 03.07.2018, the second respondent sent a communication to the third respondent to conduct enquiry and report the same to him. According to the petitioner, no enquiry has been conducted till date and therefore, he is before this Court seeking issuance of a writ of mandamus.

2. This Court is unable to appreciate as to why the petitioner has chosen to approach this Court without waiting for conclusion of the enquiry, which is to be conducted by the third respondent on the direction of the respondents 1 and 2. It appears that the second respondent has directed the third respondent to conduct enquiry only on 03.07.2018 and without waiting for the result of the enquiry and orders to be passed by the second respondent on the basis of the enquiry, the petitioner has chosen to rush this Court. Any orders to be passed by this Court in the present proceedings will have far reaching implication on the action to be taken by the second respondent and also the enquiry to be conducted by the third respondent at the instance of the respondents 1 and 2.

3. In case there is any delay in completion of the enquiry, it is always open to the petitioner to approach the Authority to expedite the hearing. But, instead of doing the same, the petitioner has chosen to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

4. This Court time and again held that the special original jurisdiction of this Court cannot be invoked so casually and unnecessarily, when the proceedings are pending before the statutory Authorities. In this case, the petitioner has chosen to approach this Court without waiting for the Authorities concerned to complete the enquiry.

5. For the above said reasons, this Court is of the view that this writ petition is not maintainable and the same is, therefore, dismissed. No costs.

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar (CS-IV)

To:

<https://hcservices.hcscourts.gov.in/hcservices>
The District Collector,
Tirunelveli District, Tirunelveli.



2.The Revenue Divisional Officer,
Revenue Divisional Office,
Tirunelveli District.

3.The Tahsildar,
Palayamkottai Taluk,
Tirunelveli District.

+1 CC To MR.V.M.JEGADEESHA PANDIAN, Advocate SR. NO. 88660
+1 CC TO The Special Government Pleader SR.NO. 88202

W.P. (MD) No.20700 of 2018

KAK

TR/RP/SAR-IV(27.10.2018)3P 6C