



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.4234 of 2018

S.Muthusamy

... Petitioner

Vs

1.The District Collector,
Dindigul district,
Dindigul.

2.The Tahsildar,
Vedasandur Taluk Office,
Vedasandur,
Dindigul District.

3.Palanichamy

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to cancel the patta on the name of the 3rd respondent and issued the joint patta on the petitioner's name and third respondent's name with regard to lands in Palayam Village, Survey No.777/3, 777/4, 777/5A, 779/2A and 778/1 situated at Vedasandur Taluk, Dindigul District based on the petitioner's representation dated 01.02.2018 within a time frame stipulated by this Court.

For Petitioner : Mr.G.Gomathi Sankar

For R1 and R2 : Mr.M.Murugan
Government Advocate

For R3 : Mr.R.Maheswaran
for Mr.K.Suresh Kumar

ORDER

Heard the learned counsel on either side.

2.The property in question originally belongs to the grandfather of the writ petitioner and the third respondent. The writ petitioner and the third respondent are brothers. It appears that their grandfather sold the property in question, in favour of the third respondent by a sale deed, when they were minors. The revenue records at present stand in the name of the third respondent. The petitioner seeks its cancellation. The petitioner impeaches the sale document also.

3.I am of the view that in such cases, the remedy is only before the jurisdictional Civil Court. The revenue authorities cannot decide the controversy raised by the writ petitioner.



4.This writ petition is dismissed. It is made clear that this Court has not gone into the merits of the matter. It is always open to the writ petitioner to move the jurisdictional Civil Court and his contentions are left open. No costs.

Sd/-

Assistant Registrar(Crl.Side)

WEB COPY

/TRUE COPY/

Sub Assistant Registrar(CS)

To

1.The District Collector,
Dindigul district,
Dindigul.

2.The Tahsildar,
Vedasandur Taluk Office,
Vedasandur,
Dindigul District.

+1 CC to M/s.G.GOMATHI SANKAR, Advocate (SR-63590[F] dated 27/04/2019)

+1 CC to M/s.SPL GP (SR-63736[F] dated 29/04/2019)

+1 CC to M/s.K.SURESH KUMAR, Advocate (SR-63926[F] dated 29/04/2019)

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CS: 14/05/2019/2P/6C