



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.12.2019

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P. (MD)No.24790 of 2019

Thavamani Regenal Jayaseeli

... Petitioner

Vs.

1.The Director General of Police,
Seaward Road,
Mylapore, Chennai.

2.The Director of Vigilance and Anticorruption,
No.293, M.K.N.Road, Alanthur,
Chennai.

3.The Deputy Superintendent of Police,
Vigilance and Anticorruption,
Palayamkottai,
Tirunelveli District.

4.Manis Narana haray,
The Revenue Divisional Officer,
Tirunelveli,
Tirunelveli District.

5.Athinarayanan,
The Tahsildar,
Sankaranikovil Taluk,
Tirunelveli District.

6.The Sub Registrar,
Melaneethanallur,
Sub Registrar Office,
Sankarankovil,
Tirunelveli District.

7.Pappa

8.Vijayalakshmi

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the 3rd respondent to conduct proper enquiry as against the 5th respondent based upon the petitioner's representation of the petitioner dated 05.11.2019



within a time stipulated by this Court.

For Petitioner : Mr.J.Sivaram

For Respondents : Mr.M.Chandrasekaran, APP
for RR1 to 6

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ORDER

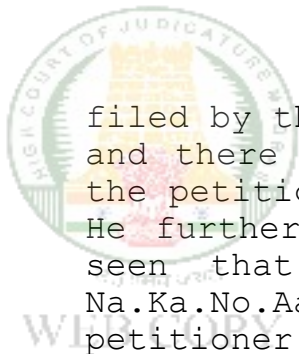
This writ petition has been filed for issuance of a Writ of Mandamus, directing the 3rd respondent to conduct proper enquiry as against the 5th respondent based upon the petitioner's representation of the petitioner dated 05.11.2019 within a time stipulated by this Court.

2. Heard the learned Counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 to 6.

3. The petitioner had obtained property bearing S.Nos.37/3 D2, 3E2 and 3F2 measuring to an extent of 0.48.00 Hectares Ares situated at Thevarkulam village, Sankarankovil Taluk, Tirunelveli District through testamentary succession from her father, out of which, 60 cents was transferred through testamentary Will. Further 46 cents were transferred to one Poolpandian, who is a close relation to the petitioner without any consideration and the same was transferred to Pappa and Vijayalakshmi, who are the 7th and 8th respondents herein and now, the property was hold by them and they cause hindrance to enjoy 14 cents of the above said survey numbers.

4.In the meantime, there have been civil suits filed between them in O.S.No.510 of 1996 filed by the petitioner herein against the 7th and 8th respondents along with others and O.S.No.542 of 1996 filed by the 7th and 8th respondents along with one Paul Edward Jothiraj against the petitioner and one Paripooranam. The learned Additional District Munsif, Sankarankovil, disposed the suit vide common judgment dated 10.04.2003, wherein, the petitioner declared to be the person to enjoy over the property and the respondents therein not to interfere with her peaceful possession by way of permanent injunction. According to the petitioner, despite the fact that the civil Court finding was in favour of the petitioner, attempts have been made by the Tahsildar with regard to 14 cents to transfer the property to the 7th and 8th respondents. In this regard, a representation dated 05.11.2019 has been sent to the 3rd respondent to take appropriate action against the Tahsildar and others.

5.The learned Additional Public Prosecutor appearing for the respondents 1 to 6 submitted that it is purely civil dispute and now, a present suit in O.S.No.8 of 2019 is pending, which has been



filed by the 7th respondent herein against the petitioner and another and there is a dispute with regard to boundary. Admittedly, both the petitioner and the respondents 7 and 8 are adjacent land owners. He further submitted that in the representation 05.11.2019, it is seen that the Tahsildar passed an order dated 30.10.2019 in Na.Ka.No.Aa9/5936/2019 to cancel the patta issued in favour of the petitioner. As per Section 12 of the Patta Pass Book Act, the petitioner has got every right to challenge the same before the Revenue Divisional Officer by way of an appeal, if she has any grievance over the said order.

6.Heard both sides and perused the materials available on records.

7.Admittedly, as per Section 12 of the Patta Pass Book Act, if the petitioner has any grievance over the order passed by the Tahsildar in issuance of patta for the land in dispute, she can very well file an appeal before the concerned Revenue Divisional Officer and challenge the same. Therefore, this Court is of the view that the petitioner without exhausting the appropriate remedy, directly approached this Court by filing this writ petition under Article 226 of the Constitution of India.

8.Accordingly, this writ petition is closed as nothing survives in this petition. The petitioner is at liberty to approach the concerned Revenue Divisional Officer and seek appropriate remedy in accordance with law. No costs.

Sd/-

Assistant Registrar (Crl.Side)

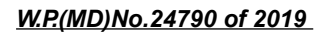
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Sub Assistant Registrar(CS)

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To

- 1.The Director General of Police,
Seaward Road, Mylapore, Chennai.
- 2.The Director of Vigilance and Anticorruption,
No.293, M.K.N.Road, Alanthur, Chennai.
- 3.The Deputy Superintendent of Police,
Vigilance and Anticorruption,
Palayamkottai,
Tirunelveli District.



+1 CC to M/s.M/S.J.SIVARAM, Advocate (SR-104169[F] dated 10/12/2019

W.P. (MD) No. 24790 of 2019
09.12.2019

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