

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.33478 of 2013
and M.P.No.1 of 2013

1.Nataraj
2.Panchali
3.Anandai
4.Rani
5.Banumathi
6.Ezhumalai

...Petitioners

Vs.

1.The Tahsildar,
Gingee, Villupuram District.
2.Ezhumalai
3.Sabariraja

...Respondents

Petition filed under Article 226 of the Constitution of India for issuing a writ of mandamus to direct the 1st respondent to cancel the changes made in the computerised documents (patta/chitta) in favour of the 3rd respondent as regards Patta No.198 in Survey No.49/3 and 49/5B.

For Petitioners : Mr.Vaibhav R.Venkatesh

For Respondents : Mrs.K.Bhuvaneswari,
Additional Government Pleader (R1)
R2 & R3 - no appearance

O R D E R

The petitioners have filed the above Writ Petition to issue a Writ of mandamus directing the 1st respondent to cancel the changes made in the computerized documents (patta/chitta) in favour of the 3rd respondent as regards Patta No.198 in Survey No.49/3 and 49/5B.

2.The petitioners are seeking for cancellation of the patta issued in favour of the 3rd respondent. So far as the issuance of computerized patta in favour of the 3rd respondent is concerned, the remedy open to the petitioners is to file an appeal before the Revenue Divisional Officer under Section 12 of the Patta Pass Book Act.

3.Mr.Vaibhav R.Venkatesh, learned counsel appearing for the petitioners submitted that the authorities had fraudulently transferred the patta in favour of the 3rd respondent when the manual patta stands in the name of the petitioners.

4.When the authorities had issued the patta in favour of the 3rd respondent, it cannot be stated that the petitioners are remediless. The remedy open to the petitioners is to file an appeal under Section 12 of the Patta Pass Book Act before the appropriate authority. In such view of the matter, it is open to the petitioners to challenge the issuance of patta in the name of the 3rd respondent under Section 12 of the Patta Pass Book Act.

5.With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Tahsildar,
Gingee, Villupuram District.

+1cc to Government Pleader, S.R.No.26705

W.P.No.33478 of 2013
and M.P.No.1 of 2013

VS (CO)
KKV/25/08/2020

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