

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.13789 of 2014
and M.P.No.1 of 2014

V.Ezhilarasi

...Petitioner

Vs.

1. The Tahsildar,
Polur,
Polur Taluk,
Tiruvannamalai District.
2. M.Venkatesan
3. M.Srinivasan

...Respondents

Petition filed under Article 226 of the Constitution of India for issuing a writ of mandamus directing the 1st respondent to consider the petitioner's representation dated 09.03.2014 with respect to cancellation and issue of fresh patta and pass necessary orders after issuing notice to the respondents 2 & 3 herein and conducting enquiry with respect to the lands measuring 0.49.0 hectares in S.No.65/5, 0.01.0 out of 0.50.0 in S.No.65/5, 0.18.5 hectares in S.No.65/8A, 0.11.0 hectares in S.No.65/3 and 0.03.0 hectares out of 0.12.5 hectares in S.No.65/6, Sevarapoondi Village, Polur Taluk, Tiruvannamalai District within the time frame.

For Petitioner : Mr.P.Mani
For Respondents : Ms.A.Madhumathi,
Special Government Pleader (R1)
Mr.A.Bharathi (R3)
R2 - no appearance

O R D E R

The petitioner has filed the above Writ Petition to issue a writ of mandamus seeking for cancellation of the patta issued in favour of the respondents 2 & 3.

2.Ms.A.Madhumathi, learned Special Government Pleader appearing for the 1st respondent submitted that there is a title dispute between the petitioner and the respondents 2 & 3 and therefore, the same can be resolved only before a Competent Civil Court. Further, the learned Special Government Pleader submitted that since the petitioner is seeking for cancellation

of patta, the remedy available to the petitioner is only to file an appeal under Section 12 of the Patta Pass Book Act before the Revenue Divisional Officer.

3.I fully agree with the submission made by the learned Special Government Pleader appearing for the 1st respondent.

4.In view of the same, I do not find any reason to entertain the above Writ Petition. Accordingly, the same is dismissed. However, it is open to the petitioner to file an appeal as against the grant of patta in favour of the respondents 2 & 3 as per the provisions of Section 12 of the Patta Pass Book Act. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Tahsildar,
Polur,
Polur Taluk,
Tiruvannamalai District.

+1cc to Mr.P.Mani, Advocate, Sr.27738

+1cc to Government Pleader in Sr.28132

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PP (CO)
RV (10/09/2020)

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