

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAISWAMY

W.P.No.15927 of 2014

J. Muthukrishnan

... Petitioner

- v.
1. The Tahsildar,
Alandur Taluk Office,
Alandur.
 2. G. Gokila
 3. G. Sathish Kumar
 4. G. Chandru
 5. G. Sharmila
 6. G. Sathya
- (R2 to R6 Impleaded as per order dated 30.06.2014
in M.P. Nos.1 /2014 in W.P.No.15927/2014)

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuing a Writ of Mandamus directing the 1st respondent to dispose of the petitioner's representation dated 22.04.2014, within the time stipulated by this Court.

For Petitioner : Mr. B. Vijay

For Respondents : Ms. A. Madhumathi,
Special Government Pleader - for R1
Mr. S. Sarath Chandran - R2 to R5
R6 - Died vide order of court dated
12.3.2019.

O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus directing the 1st respondent to dispose of the petitioner's representation dated 22.04.2014, within a time frame.

2. It is the case of the petitioner that the 1st respondent had issued the patta in favour of the respondents 2 to 6 erroneously and therefore, he has given a representation before the 1st respondent as early as on 22.04.2014, seeking for cancellation of patta, however, the 1st respondent has not disposed of the same yet.

3. Mr. S. Sarath Chandran, learned counsel appearing for the respondents 2 to 5 submitted that a Civil Suit in O.S. No.53 of 2011 on the file of the District Munsif Court, Alandur is pending between the private parties and therefore, the Writ Petition is not maintainable. However, learned counsel appearing for the petitioner submitted that the subject matter of the suit in Survey Number is 198/2 whereas, the subject matter of the Writ Petition in Survey Number is 198/4. The submission made by the learned counsel for the petitioner is recorded.

4. Ms. A. Madhumathi, learned Special Government Pleader, appearing for the 1st respondent submitted that the 1st respondent is not a party to cancel the patta issued in favour of the respondents 2 to 6 and the remedy open to the petitioner is only to file an appeal under section 12 of the Patta Passbook Act.

5. In view of the submissions made by the learned counsel on either side, I am of the considered view that the representation dated 22.04.2014 of the petitioner to the 1st respondent, viz., the Tahsildar, cannot be considered for the reason that the petitioner is seeking for cancellation of patta issued in favour of the respondents 2 to 6. The 1st respondent, being the original authority, who had issued the patta in favour of the respondents 2 to 6, has no authority to cancel the patta. The remedy open to the petitioner is to file an appeal under section 12 of the Patta Passbook Act, if so advised. In such view of the matter, I am not inclined to entertain the Writ Petition. However, it is open to the petitioner to file an appeal as against the grant of patta in favour of the respondents 2 to 6 as per the provisions of section 12 of the Patta Passbook Act.

With these observations, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To
The Tahsildar,
Alandur Taluk Office,
Alandur.

+1cc to Government Pleader in Sr.28483

W.P.No.15927 of 2014

GJ (CO)
RV (11/9/2020)