



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)No.7805 of 2020

and

W.M.P (MD)No.7285 of 2020

WEB COPY

S.Rajendran

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.

3.The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.

4.Palavesamuthu

5.Dhanuskodi

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, forbearing the respondents 1 to 3 from cancelling the patta bearing No.1854 for the property in Survey No.854/2A situated at Thalapathisamuthiram Village, Nanguneri Taluk, Tirunelveli District, which stands in the name of the petitioner except under due process of law.

For Petitioner : Mr.V.Sasikumar

For Respondents : Mr.V.Anand,
Government Advocate.

**ORDER**

The petitioner has filed the present Writ Petition to issue a Writ of Mandamus, forbearing the respondents 1 to 3 from cancelling the patta bearing No.1854 for the property in Survey No.854/2A situated at Thalapathisamuthiram Village, Nanguneri Taluk, Tirunelveli District, which stands in the name of the petitioner except under due process of law.

2.Mr.V.Anand, learned Additional Government Pleader takes notice for the respondents 1 to 3.

3.According to the petitioner, the property situated in Survey No.854/2A, Thalapathisamuthiram Village, Nanguneri Taluk, Tirunelveli District was executed by the petitioner's mother in his favour through a settlement deed dated 12.11.2015. In view of the said settlement deed, the petitioner obtained patta bearing patta No.1854. In the mean time, the respondents 4 and 5 approached the petitioner to sell the property, but the petitioner refused to sell the same. Since the respondents 4 and 5 made an attempt to cancel the patta stands in the petitioner's name, he sent a detailed representation to the respondents 2 and 3 not to cancel the patta stands in his name. So far no response is forthcoming, the petitioner has filed the present Writ Petition.

4.The learned counsel appearing for the petitioner submitted that the third respondent is taking coercive steps to cancel the patta granted in favour of the petitioner and therefore, the third respondent has not followed the procedures, as contemplated under the Act.

5.The learned Government Advocate appearing for the respondents 1 to 3 submitted that the petitioner has approached this Court with an apprehension that the third respondent will pass an order, without following the procedures, as contemplated under the Act, which cannot be entertained by way of this Writ Petition and if any order is passed without following the procedures, as contemplated under the Act, the remedy open to the petitioner is to seek cancellation of the said order.

6.In view of the submissions made by the learned counsel appearing on either side, this Court is of the view that, at this stage, the Writ Petition cannot be entertained, as the petitioner has approached this Court on apprehension that the authority will cancel the patta granted in favour of him without following the procedures, as contemplated under the Act and the same is liable to be dismissed.



7. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ps

Note:- In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.
- 3.The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.

Order made in
W.P. (MD)No.7805 of 2020
Dated: 21.07.2020

scr(CO)
TR(28.07.2020) 3P 4C