



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)No.10702 of 2020

N.Venmani Priya

... Petitioner

Vs.

1.The District Collector,
Virudhunagar,
Virudhunagar District.

2.The Revenue Divisional Officer,
Aruppukkottai,
Virudhunagar District.

3.The Tahsildar,
Tahsildar Office, Kariyapatti,
Kariyapatti Taluk,
Virudhunagar District.

4.Thamayanthi

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 3 to cancel the patta in Survey No.108/6 situated at Chittumoonradaippu Village and Post, Kariyapatti Taluk, Virudhunagar District and consider based on the petitioner's representation dated 20.05.2020.

For Petitioner

: Mr.C.Suresh Kumar

For RR 1 to 3

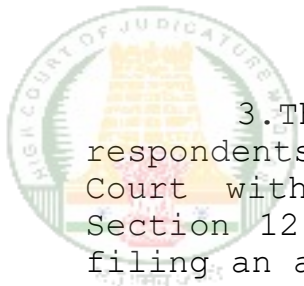
: Mr.M.Pandiarajan

Additional Government Pleader.

ORDER

The petitioner has filed the present Writ Petition to issue a Writ of Mandamus, directing the respondents 1 to 3 to cancel the patta in Survey No.108/6 situated at Chittumoonradaippu Village and Post, Kariyapatti Taluk, Virudhunagar District, on the basis of her representation dated 20.05.2020.

2.According to the petitioner, she is in possession and enjoyment of the property in Survey No.108/6 at Chittumoonradaippu Village, Kariyapatti Taluk, Virudhunagar District and the petitioner has sent a representation to the respondents 1 to 3 seeking to issue patta to her. While so, the third respondent issued patta to the fourth respondent, without considering her request. Hence, the petitioner sent a representation dated 20.05.2020 to the respondents 1 to 3 seeking to cancel the patta granted in favour of the fourth respondent. Since no action has been taken on the side of the respondents 1 to 3, the petitioner has filed the present Writ Petition.



3.The learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that the petitioner has approached this Court without exhausting the alternative remedy available under Section 12 of the Tamil Nadu Patta Pass Book Act, 1986 by way of filing an appeal.

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4.Accepting the contention of the learned Additional Government Pleader that there is a specific provision under Section 12 of the Tamil Nadu Patta Pass Book Act, 1986, this Court is of the view that the petitioner has to approach the appellate authority and seek her remedy. Therefore, liberty is granted to the petitioner to file an appeal before the appellate authority.

5.With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CSI)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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.

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To

- 1.The District Collector,
Virudhunagar,
Virudhunagar District.
- 2.The Revenue Divisional Officer,
Aruppukkottai,
Virudhunagar District.
- 3.The Tahsildar,
Tahsildar Office, Kariyapatti,
Kariyapatti Taluk,
Virudhunagar District.

+1 CC to M/s.Special Government Pleader (SR-15813[F] dated 03/09/2020)

W.P. (MD)No.10702 of 2020
02.09.2020

KB(09.09.2020) 2P 5C