



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :16.09.2020

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.11799 of 2020

and

W.M.P. (MD) No.10219 of 2020

Thiravida Selvi

...Petitioner

Vs

- 1.The District Collector,
O/o. the District Collector,
Sivagangai District.
- 2.The Revenue Divisional Officer,
O/o the Revenue Divisional Officer,
Devakottai,
Sivagangai District.
- 3.The Tahsildar,
Thiruppathur,
Sivagangai District.
- 4.The Zonal Deputy Tahsildar,
Thiruppathur,
Sivagangai District.
- 5.Subramanian
- 6.The Village Administrative Officer,
O/o. the Village Administrative Officer,
Sevarakottai, Sivagangai District.
- 7.Kasthuri
- 8.Senthamarai

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 3 for directing the respondents 4 to 7 not to conduct any enquiry and land survey in respect of the petitioner's house property situated in Sevarakottai Village in Survey Numbers 450/27 and 450/28, Thiruppathur Taluk, Sivagangai District, without giving any notice based on the petitioner's representation dated 09.09.2020.



For Petitioner : Mr.S.Vanchinathan
For R1 to R4 & R6 : Mr.A.Karthick
Government Advocate

WEB COPY

ORDER

This Writ Petition is filed for directing the respondents 4 to 7 not to conduct any enquiry in respect of the land in S.Nos.450/27 and 450/28 situated at Thiruppathur Taluk, Sivagangai District.

2.It is the case of the petitioner that the 3rd respondent, by proceedings dated 10.10.2003, had issued patta in favour of her husband for the petition mentioned property. However, based on the complaint given by some of the rival parties, the respondents are trying to cancel the aforesaid patta. Hence, the petitioner is before this Court.

3.The learned counsel appearing for the petitioner would submit that without providing any opportunity to the petitioner, the respondents are trying to cancel the said patta.

4.The learned Government Advocate appearing for the respondents 1 to 4 and 6 would submit that the petitioner has approached this Court on the apprehension that without affording an opportunity, the concerned authority will pass an order for cancellation of the patta granted in favour of the petitioner. As per the law settled by this Court, the concerned authority shall not pass order, without affording an opportunity to the petitioner, if cancellation order is passed. Hence, at this stage, the writ petitioner has approached this Court on the apprehension that the cancellation order will be passed. Hence, the said contention of the writ petitioner cannot be entertained and the same is liable to be rejected.

5.Recording the submission made by the learned Government Advocate, this Writ Petition stands dismissed as not maintainable. No costs. Consequently, connected miscellaneous petition is closed.

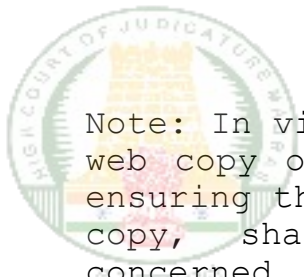
Sd/-

Assistant Registrar

// True Copy //

/ /2020
Sub Assistant Registrar(CS)

mm



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.

WEB COPY

To

1. The District Collector,
O/o. the District Collector,
Sivagangai District.
2. The Revenue Divisional Officer,
O/o the Revenue Divisional Officer,
Devakottai,
Sivagangai District.
3. The Tahsildar,
Thiruppathur,
Sivagangai District.
4. The Zonal Deputy Tahsildar,
Thiruppathur,
Sivagangai District.
5. The Village Administrative Officer,
O/o. the Village Administrative Officer,
Sevarakottai,
Sivagangai District.

+1 CC to the SPL GP SR-17271.

W.P. (MD) No.11799 of 2020
16.09.2020

SS (CO)
CS (05.10.2020) 3P 7C