



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2020

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THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.15725 of 2020

WEB COPY

M.Somasundaram

...Petitioner

-Vs-

1.The District Collector,
Trichy District, Trichy.

2.The District Revenue Officer,
Trichy District, Trichy.

3.The Revenue Divisional Officer,
Lalgudi, Trichy District.

4.The Tahsildar,
Manachanallur Taluk,
Trichy District.

5.The Sub Registrar,
Manachanallur,
Trichy District.

6.M.Muthu

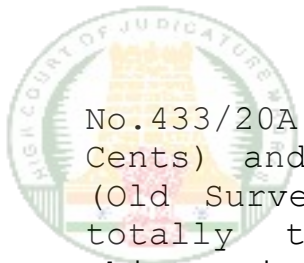
...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents 1 to 5 to cancel the Patta comprised in Patta No.2250, New Survey No.433/20A (Old Survey No.761/20) to an extent of 0.23.5 Ares (58 Cents) and land comprised in Patta No.2877, New Survey No.432/3 (Old Survey No.760/3) to an extent of 0.21.5 Ares (53 Cents), totally to an extent of 1 Acre, 11 cents, situated at Thirupanjeeli Village, Manachanallur Taluk, Trichy District and issue joint patta in petitioner's favour and direct the fifth respondent not to register any documents in the above said properties, based on the petitioner's representation dated 06.10.2020.

For Petitioner	: Ms.R.Yamuna
For R1 to R4	: Mr.S.Angappan Government Advocate
For R5	: Mr.K.Sathiya Singh Additional Government Pleader.

ORDER

This writ petition has been filed to direct the respondents 1 to 5 to cancel the Patta comprised in Patta No.2250, New Survey



No.433/20A (Old Survey No.761/20) to an extent of 0.23.5 Ares (58 Cents) and land comprised in Patta No.2877, New Survey No.432/3 (Old Survey No.760/3) to an extent of 0.21.5 Ares (53 Cents), totally to an extent of 1 Acre, 11 cents, situated at Thirupanjeeli Village, Manachanallur Taluk, Trichy District and issue joint patta in petitioner's favour and to direct the fifth respondent not to register any documents with regard to the above said properties, based on the petitioner's representation dated 06.10.2020.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the first to fourth respondents and the learned Additional Government Pleader appearing for the fifth respondent.

4. According to the petitioner the property in question are the ancestral property. But his brother/the sixth respondent herein had created forged documents with regard to the said property in his name and thereafter, sold the same without the knowledge of the other legal heirs. Hence, the petitioner has submitted a representation dated 06.10.2020 to the respondents 1 to 5 to cancel the patta granted in the name of the sixth respondent and also to issue joint patta. But, no action has been taken on the said representation. Hence, the petitioner has approached this Court by way of this writ petition.

5. This Court, after having considered the rival submissions, is of the view that the relief sought for by the petitioner cannot be granted by exercising jurisdiction under Article 226 of the Constitution of India. The appropriate remedy for the petitioner is to approach the civil Court. Hence, leaving all the contentions open to the petitioner to raise before the civil Court, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

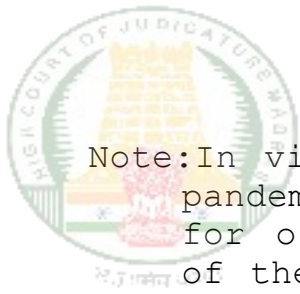
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/ /2020

Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



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,
Trichy District, Trichy.
- 2.The District Revenue Officer,
Trichy District, Trichy.
- 3.The Revenue Divisional Officer,
Lalgudi, Trichy District.
- 4.The Tahsildar,
Manachanallur Taluk,
Trichy District.
- 5.The Sub Registrar,
Manachanallur, Trichy District.

+1 CC to SGP (SR-21720[F] dated 10/11/2020)

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09.11.2020

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