



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P. (MD) .No.3815 of 2016

D.Jemes

.. Petitioner

Vs.

1.The Tahsildar
Thanjavur Taluk Office,
Thanjavur.

2.R.Ravindran

3.R.Sampath

4.R.Pappa

5.L.Shanthi

6.Vidhiyavathi

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the 1st respondent herein to considering the petitioner's application, dated 26.10.2015 for issue of patta in respect of land measuring 0.05.60 hectares comprised in S.No.115/23B at 44. Pillaiyarpatti Village, Thanjavur Taluk, Thanjavur District, with the stipulated time fixed by this Court.

For Petitioner : Mr.V.S.Kumaraguru

For Respondents : Mr.C.Ramar for R1
Additional Government Pleader

ORDER

The learned counsel appearing for the petitioner submitted that notice to the respondents is served. However, going by the notice papers, it is appears that the notices sent to the private respondents were returned with an endorsement that the respondents have gone to Chennai after vacating the house to which the notice was issued. Even, the private notice sent by the petitioner is also returned with the endorsement "left". Despite the fact that notice



sent to respondents were returned as "left" and the petitioner's counsel is supposed to note that the notice through Court have returned with an endorsement as pointed out above, no fresh notice was sought for.

2.The petitioner who has residence in the same village cannot plead that he is not aware of the change of residence or the fact that the respondents have gone to Chennai after vacating the house. Since this Court is prima facie of the opinion that the petitioner has made an attempt to get orders behind the back of private respondents, this Court is not inclined to entertain this writ petition. Since the matter relates to mutation of patta, it is always open to the petitioner to workout his remedy by approaching the Civil Court.

3.Accordingly, with liberty to the petitioner to approach the Civil Court, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TM

To

The Tahsildar
Thanjavur Taluk Office,
Thanjavur.

+1 CC to Mr.V.S.KUMARAGURU, Advocate (SR-7429[F] dated 20/02/2020)

+1 CC to SPL.GP (SR-7540[F] dated 21/02/2020)

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