



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2021

CORAM

THE HON'BLE Mr. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.13456 of 2011

M.P.Marimuthu

... Petitioner

Vs

1.The Revenue Divisional Officer,
Ranipet,
Vellore District.

2.The Tahsildhar,
Arakkonam Taluk,
Vellore District.

3.Chandra

4.Salammal

5.Kalaiarasai

6.Kalaimathi

(R3 to 6 impleaded as per order dated
19.04.2018 in WMP.No.10074 of 2018 in
WP.No.13456 of 2011)

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorari calling for the records of the first Respondent in his proceedings Pa.Mu.(A4)/9576/05 dated 13.04.2010 and quash the same.

For Petitioner : Mr.G.Jeremiah

For Respondents
R1 & R2 : Mr.Richardson Wilson
Government Advocate

R3,R4 & R6 : Mr.N.Manokaran

R5 : No Appearance



O R D E R

The writ petition has been filed to issue a Writ of Certiorari calling for the records of the first Respondent in his proceedings Pa.Mu.(A4)/9576/05 dated 13.04.2010 and quash the same.

2. The case of the petitioner is that the petitioner is in possession and occupation of the land comprised in survey No.874/14, Mosur Village which is adjoining to his residence. However, respondents 3 to 6 were issued patta for the land. Therefore, he filed petition to cancel the patta issued in favour of the respondents 3 to 6. The first respondent rejected the appeal for the reason that the petitioner failed to produce any documents to show his possession and enjoyment of the said property. Further stated that in the revenue records also, there is no entry in respect of his possession or encroachment in the subject property. Further stated that the petitioner filed suit in OS.No.136/03 on the file of the District Munsif Court, Arakkonam for declaration and injunction in respect of the very same property and it is pending. Therefore, his request was rejected and directed to approach subject to the result of the suit.

3. The learned counsel for the petitioner submitted that now the suit has been dismissed by the court below. However, as provided under Section 13 of the Patta Passbook Act, the petitioner may be given liberty to approach revisional authority under Section 13 of the Patta Passbook Act, 1983.

4. In view of the above, the writ petition is devoid of merits and the same is dismissed. However, the petitioner is at liberty to approach the District Revenue Officer by way of revision as against the order passed by the first respondent herein. No order as to costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

lok/ham
To

1.The Revenue Divisional Officer,
Ranipet,
Vellore District.



2.The Tahsildhar,
Arakkonam Taluk,
Vellore District.

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