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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.13094 of 2021

V.Sivaraj

...Petitioner

-Vs-

1. The District Collector,
Fourth Floor, M Singaravelar Maaligai,
62, Rajaji Salai, Chennai Collectorate,
Chennai 01.
2. The Tahsildar,
Guindy Taluk,
Race Course Road,
Chennai 32.
3. M. Ramesh
4. M. Sundarraaj
5. M.Sivaraj

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 2nd respondent to cancel the joint patta dated 07.09.2020 issued in favour of respondents 3 to 5 in respect of the property in T.S.No.88, Bloock No.4, Ekkatuthangal Village.

For Petitioner : Ms.R.Ramya

For Respondent : Mr.Yogesh Kannadasan,
Government Advocate for R1 and R2

O R D E R

(The case has been heard through video conference)

This Writ Petition has been filed seeking a direction directing the 2nd respondent to cancel joint patta issued in favour of respondents 3 to 5 in respect of property in T.S.No. 88, Block No.4, Ekkauthangal Village.



2. In view of the order is going to be passed in the present Writ Petition, which will not prejudice the interest of the respondents 3 to 5, notice to the respondents 3 to 5 are dispensed with.

3. The grievance of the petitioner is that, he is owner of property to an extent of 4567 sq.ft. and the neighbouring landowner is entitled for 1943 sq.ft. adjacent to his land. However, the 2nd respondent had issued patta in favour of respondents 3 to 5 to the total extent of 4567 sq.ft. without even considering objections filed by the petitioner. In the said circumstances, the present Writ Petition has been filed by the petitioner.

4. Admittedly, against the order of issuance of patta, an appeal lies before the concerned Revenue Divisional Officer, and the 2nd respondent Tahsildar has no power to cancel the patta at this stage. In the said circumstances, the remedy available to the petitioner is to file appeal before the Revenue Divisional Officer and he cannot maintain the Writ Petition bypassing the said remedy. Hence, the Writ Petition is not maintainable and only liable to be dismissed. However, liberty is granted to the petitioner to file appeal before the concerned Revenue Divisional Officer within a period of four weeks from the date of receipt of a copy of this order. Accordingly, this Writ Petition stands dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rpp

To

1. The District Collector,
Fourth Floor, M Singaravelar Maaligai,
62, Rajaji Salai, Chennai Collectorate,
Chennai 01.



2. The Tahsildar,
Guindy Taluk, Race Course Road,
Chennai 32.

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+1cc to M/s.R. Ramya, Advocate, Sr.29059.
+1cc to Government Pleader Sr.29176

W.P.No.13094 of 2021

PL[co]
NSK 16/07/2021