



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2021

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P(MD) No.1265 of 2021

and

W.M.P(MD)No.1071 of 2021

WEB COPY

Parameshwaran

.. Petitioner

Vs

1.The Tahsildar,
Thiruverambur Post and Taluk,
Trichy District.

2.Kumar

.. Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari thereby calling for records of the 1st respondent in Na.Ka.A2/3496/2020 dated 27.11.2020 and quash the same as illegal and without jurisdiction.

For Petitioner	: Mr.P.Ganapathi Subramanian
For R1	: Mr.A.Thiyagarajan Government Advocate

ORDER

The case of the petitioner is that he has got the subject properties, which is described in para two of the affidavit has been settled in his favour by settlement dated 11.08.2017, by his father. Thereafter, the petitioner appears to have mortgaged the property by a registered mortgage deed on 21.05.1995 in a nationalised bank and availed financial assistance to carry out agricultural activities in the said property. According to the petitioner that he has been in the exclusive possession and enjoyment of the property.

2.The 4th respondent without any rights what soever in regard to the subject properties has started claiming title of the said properties. The petitioner has also approached this Court in the meanwhile in W.P(MD)No.11760 of 2020, in regard to the subject matter. However, the said writ petition was dismissed by this Court on 16.09.2020 on the ground that the writ petition was premature.

3.While the matter stood thus, the 1st respondent Tahsildar has issued notice dated 27.17.2020, directing the petitioner to appear before him on 27.11.2020 in regard to the transfer of the patta of his properties and as per the direction, the petitioner appeared for enquiry before the 1st respondent on 09.12.2020.



4.The petitioner learnt that the 2nd respondent had moved the 1st respondent for transfer of patta in his favour, while he attended the enquiry on 09.12.2020. According to the petitioner since there is title dispute between the parties, the 1st respondent ought to have directed the parties to approach the civil court for remedy and he is not competent to go ahead with the enquiry. Therefore, challenging the said notice, the writ petition has been filed.

5.This Court is unable to appreciate as to how the present writ petition can be entertained. As admittedly, the writ petition is as against the show cause notice issued by the 1st respondent calling upon the petitioner to attend enquiry under the provisions of the Patta Pass Book Act.

6.As per the factual narrative above, if the petitioner has clear title to the property, it is always open to him to impress upon the 1st respondent as to the maintainability of the proceedings before him and if any adverse order is passed against the interest of the petitioner, in that event, the petitioner can work out his remedy in a manner known to law. However, it is certainly not open to the petitioner to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, for quashing the impugned proceedings, which is admittedly a show cause notice.

7.In fact, even under the Patta Passbook Act, there are appeal and revisional remedies available and without exhausting any of the remedies and without waiting for the final outcome in the proceedings pending before the 1st respondent, the petitioner has hurriedly and needlessly, approached this court with the writ petition.

8.Therefore, in the opinion of this Court the writ petition is once again premature and cannot be entertained at this stage at all. Therefore, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



W.P(MD) No.1265 of 2021

The Tahsildar,
Thiruverambur Post and Taluk,
Trichy District.

W.P (MD) No.1265 of 2021
27.01.2021

KM (22.02.2021) 3P 2C