



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.03.2021**

CORAM

THE HONOURABLE MR.JUSTICE **V.PARTHIBAN**

W.P. (MD) No.4203 of 2021

WEB COPY

S.Lakshmi

... Petitioner

-vs-

1.The District Collector,
O/o. the District Collectorate,
Tenkasi District.

2.The District Revenue Officer,
Tenkasi District.

3.The Sub Registrar,
Veerasigamani Sub Registrar's Office,
Sankarankoil Taluk,
Tenkasi District.

4.The Revenue Divisional Officer,
O/o. the District Collectorate,
Sankarankovil Revenue Division,
Tenkasi District.

5.The Tahsildar,
Sankarankoil Taluk,
Tenkasi District.

6.The Manager,
Tamilnadu Mercantile Bank(TMB),
Kadayanallur Branch,
Sankarankoil Taluk,
Tirunelveli District.

7.N.Ravichandran

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 4th and 5th respondents to cancel the patta vide patta Nos.4196, 4275 considering the petitioner's representation dated 24.12.2020.

For Petitioner : Mr.V.Vinayagamoorthy

For R1 to R5 : Mr.R.Murugan
Additional Government Pleader

For R6 : Mr.N.Dilipkumar



ORDER

The case of the petitioner is that the subject property has been standing in the name of her father-in-law and mother-in-law and she claims to be in-charge of managing the property by way of unregistered family arrangement deed/lease deed and cultivating the land till date. According to her, the 7th respondent has created forged documents on various dates and also got bogus registered sale deeds and created fake encumbrances to the subject property. Therefore, the petitioner is before this Court seeking a writ of mandamus to the respondents 4 and 5 to cancel the patta, by considering her representation dated 24.12.2020.

2.This Court is unable to appreciate the case of the petitioner for the simple reason that the subject properties do not belong to her in the first place as she claims herself to be in charge of the property belonging to her mother-in-law and father-in-law. In the absence of any statement or material authorizing the petitioner to file this writ petition on behalf of her mother-in-law and father-in-law, the writ petition is liable to be dismissed on the ground of lack of *locus standi* of the petitioner.

3.Further, the averments as contained in the affidavit cannot be a subject matter of adjudication by this Court in a writ jurisdiction. The petitioner has stated certain factual matters, which happened over a period of time in regard to the subject property and in order to redress the grievance of the petitioner, thorough factual investigation is required, which cannot be undertaken by this Court in exercising its extraordinary jurisdiction under Article 226 of the Constitution of India. In any case, the averments in the affidavit appear too sketchy and bald for this Court to issue any direction on that basis. However, it is open to the petitioner either to approach the authority concerned to pursue her remedy or to approach the competent civil Court for settlement of *lis qua* parties. It is certainly not open to the petitioner to approach this Court and seek issuance of writ of mandamus.

4.For the above said reasons, the writ petition stands dismissed. No costs.

Sd/-

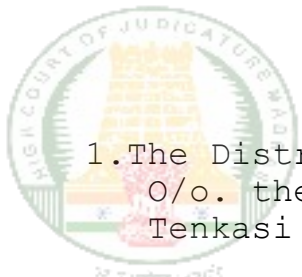
Assistant Registrar (CS-I)

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Sub Assistant Registrar(CS)

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+1 CC to M/s.SPL GP (SR-9668[F] dated 09/03/2021)

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-9236[F] dated 05/03/2021)

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