



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.03.2021

CORAM

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

W.P. (MD)No.6305 of 2021
and
W.M.P. (MD)No.4912 of 2021

C.Chidambaram : Petitioner

Vs.

1.The District Collector,
Pudukottai District, Pudukottai.

2.Suresh
Tahsildar,
Thirumayam Taluk, Pudukottai District.

3.Jegadesh
Village Administrative Officer,
Thirumayam Village,
Thirumayam, Pudukottai District.

4.Veeraiah

5.Periasamy : Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the first respondent to take appropriate action as against the respondents No.2 and 3 for having committed malpractices with regard to the transfer of the name of the patta in favour of the 4th respondent pertaining to the land bearing S.No.347/30 to an extent of 0.00.5 Ares situated at Thirumayam Village and Taluk, Pudukottai District based on the petitioner's detailed representation dated 01.03.2021 and 10.03.2021 made to the first respondent herein.

For Petitioner : Mr.K.Kannan
For R1 : Mr.B.Bhagavathy
Additional Government Pleader

ORDER

The case of the petitioner is that he is in possession and enjoyment of the land bearing S.Nos.347/25 to an extent of 0.00.5 Ares, situated at Thirumayam Village and Taluk, Pudukottai District, from time immemorial. In consideration of his possession of the property for a very long period, he has been requesting the



officials for grant of patta in his favour. According to the petitioner, unfortunately, no decision has been taken on his request for years together. According to the petitioner, the respondents 2 and 3 have committed malpractice and by fraudulent means created records, as if patta stood in the name of the fourth respondent's mother, Velliammal, contrary to the records.

2. On the basis of the fraudulent claim at the instance of the respondents 4 and 5, the second respondent, in collusion with the third respondent, by abusing the power, has passed an order, dated 25.11.2020, by issuing patta in favour of the fourth respondent. In the said circumstances, the petitioner appears to have approached the first respondent to take action against the respondents 2 and 3, by sending representations on 01.03.2021 and 10.03.2021. Finding no reply to his representations, the petitioner is before this Court.

3. This Court is not inclined to entertain this Writ Petition. In case, the petitioner is aggrieved by issuance of patta to the fourth respondent wrongly, it is upto the petitioner to have recourse to proper remedies provided under the Tamil Nadu Patta Pass Book Act, by filing an appeal or revision against the order granting patta in favour of the fourth respondent. However, it is certainly not open to the petitioner to seek a Mandamus directing the first respondent to take action against the official respondents on the basis of his self serving averments.

4. In case the petitioner has any right or title to the property, it is for him to establish the same before the authorities concerned. However, it is certainly not open to the petitioner to compel the authorities to take action against the respondents 2 and 3 and in the process, he cannot involve constitutional jurisdiction of this Court under Article 226 of Constitution of India in furtherance of his personal agenda as against the fourth respondent.

5. This Court is of the view that these type of litigations are highly motivated and lacking *bona fides* and such litigations need to be rejected at the threshold. This Court's constitutional jurisdiction cannot be trifled by the petitioner to settle his personal scores with the private respondents.

6. For the aforesaid reasons, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



cmr
To

The District Collector,
Pudukottai District, Pudukottai.

WEB COPY

+1 CC to M/s.SPL GP (SR-12941[F] dated 23/03/2021)

W.P.(MD)No.6305 of 2021
22.03.2021

RK (30.04.2021) 3P 3C