



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.16301 of 2021

and

W.P(MD)Nos.13141 and 13143 of 2021

K. Sanmugaraja

... Petitioner

Vs.

1. The District Collector,
Office of Collectorate,
Ramanathapuram.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Paramakudi,
Ramanathapuram District.
3. The Thasildar,
Taluk Office,
Kadaladi,
Ramanathapuram District.
4. The Special Thasildar (ADW),
Taluk Office,
Mudukulathur,
Ramanathapuram District.
5. The Surveyor,
Taluk Office,
Kadaladi,
Ramanathapuram District.
6. Rakkammal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the third respondent vide his proceedings in G.D.P. No:36/1996, dated 08.02.1996 and quash the same as illegal and direct the respondents 1 to 5 to ensure the property allotted for communal purpose in Survey No:260/2, at Vallakulam Village, Kadaladi Taluk and to retain for the same purpose.



For Petitioner
For Respondents

: Mr.D.Senthil
For Mr. V. Selvakumar
: Mr.P.Thilak Kumar
Government Pleader
for R1 to R5

WEB COPY

ORDER

(Order of the Court was made by **M.DURAISWAMY, J.**)

The petitioner has filed the above Writ Petition to issue a Writ of Certiorarified Mandamus to call for the records, pertaining to the impugned order of the third respondent, dated 08.02.1996, and quash the same and direct the respondents 1 to 5 to ensure the property allotted for communal purpose in Survey No.260/2, at Vallakulam Village, Kadaladi Taluk and to retain for the same purpose.

2. When the patta was transferred in favour of the sixth respondent as early as on 08.02.1996, after a lapse of 25 years, the petitioner has challenged the same, by way of a Public Interest Litigation. The petitioner has not explained the reasons for the delay in a proper manner in the affidavit filed in support of the Writ Petition. That apart when a patta is issued in favour of a person, the remedy open to the aggrieved party is to file an appeal under the provisions of the Patta Passbook Act. A Writ Petition under Article 226 of the Constitution of India cannot be maintained for cancelling a patta, when there is a specific provision provided under the Act.

3. In such view of the matter, we are not inclined to entertain the Writ Petition. Accordingly, the Writ Petition is dismissed. Consequently, the connected Miscellaneous Petitions are also dismissed. No costs.

Sd/-

Assistant Registrar (ADII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

LR/SSL

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.



To

1. The District Collector,
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5. The Surveyor,
Taluk Office,
Kadaladi,
Ramanathapuram District.

+1 CC to M/s.SPL GP (SR-28824[F] dated 13/09/2021)

+2 CC to M/s.V.SELVAKUMAR, Advocate (SR-28844[F],28761 dated
13/09/2021)

+1 CC to M/s.D.SENTHIL, Advocate (SR-28761[F] dated 09/09/2021)

W.P (MD) No.16301 of 2021
09.09.2021

SR(CO)
KB(17.09.2021) 3P 10C