



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2021

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P (MD)No.20633 of 2021

R.Rama Amirtham

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
Virudhunagar Sub - Division,
Virudhunagar.

3.The Tahsildar,
Sattur Taluk,
Virudhunagar District.

4.The Inspector of Police,
Virudhunagar District Crime Branch,
Virudhunagar.

5.Jeyakumar

6.Perumalsamy

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the third respondent to cancel the Patta bearing Patta No.1150 issued in favour of sixth respondent in respect of Survey No.335/1A of M.Nagalapuram Revenue Village Sattur Taluk, Virudhunagar District and direct the first respondent or any other external agency to take appropriate action against the erred officials including respondents 3 and 5 for having issued unjust Patta in favour of sixth respondent in respect of petitioner's property in Survey No.335/1A of M.Nagalapuram Village, Sattur Taluk, Virudhunagar District.

For Petitioner

: Mr.S.Balamurugan

For Respondents 1 to 4

: Mr.N.Satheesh Kumar

Additional Government Pleader



O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.Mr.N.Satheesh Kumar, learned Additional Government Pleader takes notice on behalf of the respondents 1 to 4. In view of the order passed notice to the respondents 5 and 6 is dispensed with.

3.The writ petition need not be kept any further on the board of this Court, primarily because the reliefs sought cannot be granted by this Court.

4.The petitioner herein, as plaintiff had instituted a suit in O.S.No.50 of 2017 which is now pending before the District Munsif Court, Sattur, as against the sixth respondent herein and two other individuals as defendants. In the suit, the relief sought was for declaration of title.

5.The learned counsel for the petitioner claims that pending suit, the third respondent / Tahsildar, Sattur Taluk, had changed the patta in the name of the sixth respondent / first defendant in the suit, necessitating the petitioner herein to file the present writ petition. Maintainability of the writ petition is seriously questioned by Mr.N.Satheesh Kumar, learned Additional Government Pleader on the ground that questioning such act of the Tahsildar, the petitioner should file a regular appeal before the Revenue Divisional Officer. The Petitioner for some reason has not chosen to take up that particular avenue. The petitioner can also take up that particular issue in the suit itself and call upon the District Munsif to examine the change in the patta when a suit for title is pending and that such change would not bind the petitioner herein and should not also preclude the learned District Munsif, while deciding the issue of title. The petitioner has his options open provided they are exercised within the period of limitation.

6.However, the writ Court cannot examine the facts and give a finding on facts with respect to either the entitlement of the petitioner for patta or substitute this Court for the Revenue Divisional Officer and examine whether the patta granted should be cancelled or not. There are alternate methods available for the petitioner and provided the law of limitation is still in favour of the petitioner, the petitioner can avail such remedies. Multiplicity of proceedings cannot be encouraged, and since already a civil suit is pending, let the petitioner take a considered decision with regard to the nature of course of action to be taken with respect to the grant of patta in the name of the sixth respondent.



7. With the above observation, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

rm

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,
Virudhunagar District,
Virudhunagar.
2. The Revenue Divisional Officer,
Virudhunagar Sub - Division,
Virudhunagar.
3. The Tahsildar,
Sattur Taluk,
Virudhunagar District.
4. The Inspector of Police,
Virudhunagar District Crime Branch,
Virudhunagar.

+1 CC to M/s.SPL GP (SR-35156[F] dated 19/11/2021)

+1 CC to M/s.S. BALAMURUGAN, Advocate (SR-35225[F] dated 19/11/2021)

W. P (MD) No. 20633 of 2021

18.11.2021

RK(29/11/2021) 3P 7C