



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.(MD)No.24852 of 2016

and

W.M.P(MD)No.1718 of 2017

Abdul Wakid

... Petitioner

Vs.

1.The Chief Secretary,
Government of Tamil Nadu,
Secretariat,
St. George Fort,
Chennai.

2.The District Collector,
Thoothukudi District,
Thoothkudi.

3.The District Revenue Officer,
District Collector's Office,
Thoothkudi District,
Thoothukudi.

4. Thiyagarajan
Revenue Divisional Officer,
Tiruchendur Taluk,
Thoothukudi District.

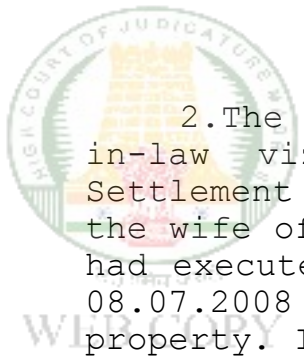
... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to consider the petitioner's representation dated 17.11.2016 and to take action against the 4th respondent.

For Petitioner : Mr.S.R.Anbarasu
For R1 to R3 : Mr.D.Muruganantham
Additional Government Pleader

O R D E R

This Writ Petition is filed for a direction to the respondents 1 to 3 to consider the petitioner's representation, dated 17.11.2016 and to take action against the fourth respondent.



2.The case of the petitioner is that the petitioner's father-in-law viz., Mustafa Kamal, had executed a registered Gift Settlement Deed, dated 21.04.2004 in favour of his daughter, who is the wife of the petitioner herein. Thereafter, the petitioner's wife had executed a registered Sale Deed in favour of the petitioner on 08.07.2008 and the petitioner is the absolute owner of the said property. In the mean time, the petitioner's father-in-law cancelled the Settlement Deed executed in favour of his daughter. Therefore, the petitioner and his wife filed a suit in O.S.No.121 of 2008 before the District Munsif Court, Tiruchendur, for partition and a preliminary decree was passed in favour of the petitioner and they have filed final decree petition and the same was pending. Thereafter, the petitioner's father-in-law filed a petition under Maintenance and Welfare of Parents and Senior Citizens Act 2007, before the fourth respondent. The petitioner appeared before the fourth respondent through his lawyer and submitted the judgment and decree passed by the learned District Munsif, Tiruchendur, wherein, it has been clearly stated that the deed of cancellation of Settlement Deed is not valid. In violation of the above decree, the fourth respondent has passed an order dated 30.08.2016 stating that the cancellation of deed executed by the petitioner's father-in-law is valid and issued patta in favour of the petitioner's father-in-law. In this regard, the petitioner has made a representation to the respondents, dated 17.11.2016 for taking disciplinary action against the fourth respondent. Since no action has been taken, the present writ petition is filed.

3.The learned counsel appearing for the petitioner submitted that after the patta was transferred in favour of the petitioner, subsequently, the same was cancelled by the fourth respondent, which is illegal. Hence, this Court may issue a direction to the District Collector to take disciplinary action against the fourth respondent.

4.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3.

5.The petitioner's claim is that the petitioner's father-in-law executed a Settlement Deed in favour of the petitioner's wife and subsequently, the petitioner's wife executed a Settlement Deed in favour of the petitioner. Thereafter, the petitioner's father-in-law cancelled the Settlement Deed executed in favour of his daughter and hence, the petitioner has filed a suit for partition. On the cancellation of the Settlement Deed executed by the father-in-law of the petitioner, patta was cancelled. Repeatedly, this Court has held that patta is not a document of title, but it has only given possessory rights. Therefore, it is open to the petitioner to file an appeal before the appropriate forum or before the competent Civil Court. Without approaching the competent Civil Court, the petitioner has filed the present writ petition, which is not



6.In view of the above, the prayer sought for by the petitioner in this Writ Petition is misconceived. Hence, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

- 1.The Chief Secretary,
Government of Tamil Nadu,
Secretariat,
St. George Fort,
Chennai.
- 2.The District Collector,
Thoothukudi District,
Thoothukudi.
- 3.The District Revenue Officer,
District Collector's Office,
Thoothukudi District,
Thoothukudi.

+1 CC to M/s.SPL GP (SR-8437[F] dated 03/03/2021)

W.P. (MD)No.24852 of 2016

02.03.2021

VB (19.03.2021) 3P 5C