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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.23984 OF 2007

AND

M.P.NOS.1 OF 2007 AND 1 AND 2 OF 2014

S.Dhayalan

... Petitioner

Vs.

1. The District Collector,  
Kancheepuram District,  
Kancheepuram.
2. The Revenue Divisional Officer,  
Madurantakam.
3. The Tahsildar,  
Madurantakam Taluk,  
Madurantakam.
4. The Village Administrative Officer,  
Periya Venmani Village,  
Madurantakam Taluk,  
Kancheepuram District - 603 313.

5. A.Jeevanantham

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the fourth respondent from transferring the patta in the name of the fifth respondent, surveying and laying lorry track through the lands of the petitioner's family situate in S.No.14/1, 14/2, 207/4 and 6, 209/1, 2 and 3 of Periya Venmani Village, Madurantakam Taluk, Kancheepuram District.

For Petitioner : Mr.P.Anbarasan

For Respondents : Mr.A.Anandan

Government Advocate

M/s.A.Senthil Manohar for R5



## O R D E R

WEB COPY The petitioner has filed this writ petition seeking issuance of Writ of Mandamus forbearing the fourth respondent from transferring the patta in the name of the fifth respondent, surveying and laying lorry track through the lands of the petitioner's family situate in S.No.14/1, 14/2, 207/4 and 6, 209/1, 2 and 3 of Periya Venmani Village, Madurantakam Taluk, Kancheepuram District.

2.The case of the petitioner is that the subject property was purchased by the petitioner's father and they are in possession of the lands from the date of purchase and the lands are patta lands. Whiles, with the help of revenue officials, the fifth respondent is blasting quarries with country bomb endangering the public safety and taking stones in lorries through the petitioner's patta lands. The petitioner objected the same, however, the fourth respondent issued a certificate in favour of the fifth respondent. Hence, the petitioner sent representation on 30.03.2007 to the first respondent stating the illegal action of the fourth respondent and on 24.04.2007, the first respondent forwarded the petitioner's representation to the second respondent for taking necessary action. Since there was no action, the petitioner sent another representation on 25.06.2007 to the first respondent and since there was no response has filed this writ petition.

3.The grievance of the petitioner is that the fourth respondent is trying to transfer patta in respect of the petitioner's property in the name of the fifth respondent so as to enable him to lay lorry track.

4.This Court perused the counter affidavit filed on behalf of the respondents and it reveals that the fifth respondent applied for patta transfer on 19.01.2007 and 01.03.2007 to the Tahsildar, Madurantagam. The same has been verified by the Village Administrative Officer of Periya Venmani Village and respective Zonal Deputy Tahsildar of Madurantagam has passed necessary patta transfer order on 19.01.2007 and 01.03.2007 in favour of the fifth respondent, i.e., prior to the filing of this writ petition.

5.The petitioner ought to have challenged the patta transfer order granted in favour of the fifth respondent, however, has filed this writ petition for the aforesaid relief, which is not sustainable one. Hence, this Court is not inclined to grant the relief sought for in this writ petition.



6. The writ petition is accordingly dismissed. However, liberty is granted to the petitioner to work out the remedy in the manner known to law. No costs. Consequently, the connected miscellaneous petitions are closed.

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Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,  
Kancheepuram District,  
Kancheepuram.
2. The Revenue Divisional Officer,  
Madurantakam.
3. The Tahsildar,  
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W.P.No.23984 of 2007  
And  
M.P.Nos.1 of 2007 and  
1 and 2 of 2014

MG (CO)  
PM/22/03/2022