



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :16.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.5886 of 2022

G.Ramar

... Petitioner

Vs.

1.The District Collector,
Kallakurichi.

2.The Sub Collector,
Kallakurichi.

3.The Thasildhar,
Chinnasalem Taluk,
Chinnasalem.

4.Venkatesan

5.Vijaya

6.Shanthi

7.Vasanthi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondents to complete the enquiry and dispose off the Appeal Petition dated 22.04.2019 submitted by the petitioner to cancel the Patta wrongly entered in the name of the respondents 4 to 6 in respect of the petitioner's land in Survey No.46/4-2.48 acres situate at Thathathripuram Village, Chinnasalem Taluk, Kallakurchi District.

For Petitioner : Mr.N.Suresh

For respondents: Mr.R.Vigneswaran
Government Advocate



O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the 2nd respondents to complete the enquiry and dispose off the Appeal Petition dated 22.04.2019 submitted by the petitioner to cancel the Patta wrongly entered in the name of the respondents 4 to 6 in respect of the petitioner's land in Survey No.46/4-2.48 acres situate at Thathathripuram Village, Chinnasalem Taluk, Kallakurchi District.

2. The learned Government Advocate takes notice for the official respondents. In view of the limited relief sought for in this petition and on the consent of the learned counsel appearing on either side, this petition is taken up for final disposal.

3. Since no adverse order is being passed as against the private respondents, notice to the private respondents is dispensed with.

4. The case of the petitioner is that the petitioner is the owner of the property in Survey No.46/4-2.48 acres situate at Thathathripuram Village, Chinnasalem Taluk, Kallakurchi District. The property has been wrongly entered in the name of respondents 4 to 6. The petitioner made an application to the 2nd respondent on 22.04.2019, for cancellation of Patta. However, till date no orders have been passed. Hence, this writ petition is filed with the above said prayer.

5. The learned counsel appearing for the petitioner submitted that the remedy available to the petitioner is before the Civil Court, hence, the petitioner may be permitted to file appropriate petition before the competent Civil Court.

6. Considering the limited prayer sought for by the petitioner, since the issues involved in this case are in dispute, it cannot be decided by this Court and Revenue Officials are also incompetent to decide the issue between the petitioner and the private respondents. In view of the above, petitioner is directed to work out the remedy before the competent Civil Court.



7. With the above direction, this Writ Petition is disposed of. No costs.

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SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

Psa

To

1. The District Collector,
Kallakurichi.

2. The Sub Collector,
Kallakurichi.

3. The Thasildhar,
Chinnasalem Taluk,
Chinnasalem.

+1cc to M/s.N.Suresh, Advocate Sr.17673

W.P. No.5886 of 2022

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srg 31/03/2022