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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.6816 of 2022

S.Manikandan

... Petitioner

Vs.

1.The Tahsildar,
Panruti, Panruti Taluk,
Cuddalore District.

2.K.Parameswari

3.K.Sivaguru

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to pass order upon the petitioner's representation dated 14.06.2021 given to the 1st respondent made for the cancellation of Patta bearing S.No.39/1A2 0.16.27 ares issued to 3rd respondent considering the report dated 20.09.2021 filed by the Revenue Inspector, Nellikuppam and the report dated 23.10.2021 filed by the Zonal Deputy Tahsildar, Panruti.

For Petitioner : Mr.D.Baskar

For Respondents: Mr.V.Veluchamy
Additional Government Pleader

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the 1st respondent to pass order upon the petitioner's representation, dated 14.06.2021, for the cancellation of Patta, bearing S.No.39/1A2, to an extent of 0.16.27 ares issued to 3rd respondent considering the report, dated 20.09.2021, filed by the Revenue Inspector, Nellikuppam and the report dated 23.10.2021, filed by the Zonal Deputy Tahsildar, Panruti.

2. The learned Additional Government Pleader appearing on behalf of the respondents 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 has purchased the property from the 2nd respondent, in S.Nos.218/12 and 218/8, to an extent of 1 Acre 10 Cents. However, the petitioner is enjoying 1 Acre 50 Cents and made a representation to the Revenue Officials for issuance of Patta and obtained Patta in respect of 1 Acre 50 Cents. Suppressing the same, the private respondent namely the 2nd respondent made an application before the Tahsildar and obtained Patta in respect of 40 Cents. However, the said 40 Cents is physically with the petitioner, for which the petitioner made an application before the 1st respondent, on 14.06.2021, 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 for the petitioner submitted that it would suffice if this Court issue a direction to the respondent to consider the petitioner's representation, dated 14.06.2021, and pass orders within a reasonable time that may be fixed by this Court.

6. The learned Additional Government Pleader appearing on behalf of the official respondent submitted that admittedly, the petitioner purchased the property to an extent of 1 Acre 10 Cents, from the 2nd respondent, however, the petitioner claims 1 Acre 50 Cents is not sustainable. However, the dispute arises between the petitioner and the 2nd respondent is Civil in nature and it has to be decided by the competent Civil Court and not before this Court. Accordingly, he prayed for dismissal of the petition.

7. The facts in the present case is not in dispute. Admittedly, the petitioner purchased a property from the 2nd respondent, in S.Nos.218/12 and 218/8, to an extent of 1 Acre 10 Cents. However, the petitioner claims that he was in possession and enjoyment of the another 40 Cents from the date of purchase, for which he is entitled for Patta. However, the remaining 40 Cents Patta was issued in favour of the 2nd respondent, for which the petitioner made an application for cancellation of Patta. It appears to be a Civil dispute between the petitioner and the private respondents with regard to the 40 Cents of land, for which the Revenue Officials have no right to decide the issue and it has to be decided only before the competent Civil Court. Hence, the prayer sought for in the Writ Petition cannot be considered.



8. Accordingly, this Writ petition is dismissed. No costs. However, liberty is granted to the petitioner, to workout the remedy in the manner known to law.

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Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

Psa

To

The Tahsildar,
Panruti, Panruti Taluk,
Cuddalore District.

+1cc to M/s.D.Baskar, Advocate, S.R.No.20141

+1cc to the Government Pleader, S.R.No.20661

W.P. No.6816 of 2022

SJ(CO)
SB(06/04/2022)