

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.NO.15255 OF 2022

Lakshmanan

...Petitioner

Vs.

1.The Collector,
Collectorate office building,
Land and Revenue,
Cuddalore District.

2.The District Revenue Officer,
Land and Revenue,
District Collector Office,
Cuddalore District.

3.The Tahsildar, Srimushnam,
Srimushnam Taluk & Post,
Cuddalore District - 608 703.

4.Poorasamy Vandayar

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents especially the 2nd and 3rd respondents to pass an appropriate order on representation dated 25.11.2021 to cancel the patta with 73 cents in survey in 117/3 which is in the name of Poorasamy Vandayar and issue a fresh patta with 71cents in survey No.117/3 in the name of Poorasamy Vandayar and 2 cents in survey No.117/3 in the name of the petitioner in accordance with law.

For Petitioner : Mr.S.Prem Raj Kumar

For Respondents : Mr.P.Sathish
Additional Government Pleader
for RR1 to 3

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the second and third respondents to

pass appropriate order on representation dated 25.11.2021 to cancel the Patta in S.No. 117/3 ad-measuring 73 cents, which is in the name of Poorasamy Vandayar and issue a fresh patta in respect of S.No.117/3 ad-measuring 71 cents in the name of Poorasamy Vandayar and 2 cents in S.No.117/3 in the name of the petitioner, in accordance with law.

2. Since no adverse order has been passed against the fourth respondent, notice to him is dispensed with.

3. The case of the petitioner is that his father one Govinda Vandayar is the owner of the property comprised in S.Nos.117/3, 117/4, 117/5, 117/6 of a total extent of 1 acre 69 cents situated at Srimushnam Taluk, Cuddalore District. After his demise, his legal heirs partitioned the said properties and the petitioner was allotted 28 cents in S.No.117/4 and 5 cents in S.No.117/3, totally of an extent of 33 cents. Thereafter, petitioner made a settlement deed in favour of his son, namely Selvakumar of an extent of 31 cents out of 33 cents. While that being so, said Selvakumar sold an extent of 15 cents in favour of one Sundararajan and 16 cents in favour of one Selvarani. Originally, petitioner was allotted 5 cents in S.No.117/3, out of 73 cents, remaining 68 cents in S.No.117/3 was allotted to the petitioner's brother, namely Poorasamy Vandayar, vide mutual partition. While that being so, the petitioner came to know that there was an error in the Patta of said Poorasamy Vandayar, where it was mentioned as 73 cents in S.No.117/3, in which 5 cents belongs to the petitioner and they mutually adjusted 3 cents, wherein the remaining 2 cents belongs to the petitioner. While so, the petitioner made a representation dated 25.11.2021 before the 3rd respondent to cancel the Patta in S.No.117/3 of an extent of 73 cents and issue fresh Patta in favour of said Poorasamy Vandayar of an extent of 71 cents and 2 cents in favour of the petitioner. Since the same had not been considered, the petitioner has filed the present Writ Petition seeking the aforesaid relief.

4. Learned counsel for the petitioner submitted that the petitioner acquired the said property by way of oral partition and contrary to the oral partition, the Revenue Officials granted Patta in favour of one Poorasamy Vandayar of an extent of 73 cents, instead of 71 cents S.No.117/3. In order to rectify the same, petitioner has made a representation before the 3rd respondent 25.11.2021 seeking the aforesaid relief.

5. Heard the arguments advanced on either side and perused the materials placed on record.

6. Considering the facts and circumstances of the case, though the petitioner claims 2 cents in respect of S.No.117/3

upon oral partition, the Revenue Officials cannot grant Patta in his favour based on the oral partition. If at all the petitioner has any grievance, he has to redress the same before the competent Civil Court and in respect of the dispute which has erupted between the petitioner and the 4th respondent, this Court cannot grant any relief in exercising jurisdiction under Article 226 of the Constitution of India.

7. Accordingly, this Writ Petition is dismissed, with liberty to the petitioner to workout his remedy in the manner known to law. No costs.

Sd/-
Assistant Registrar(CS-V)

// True Copy //

Sub Assistant Registrar

RAP

To

- 1.The Collector,
Collectorate office building,
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- 2.The District Revenue Officer,
Land and Revenue,
District Collector Office, Cuddalore District.
- 3.The Tahsildar,
Srimushnam,
Srimushnam Taluk & Post,
Cuddalore District - 608 703.

+1cc to Mr.S.Prem Rajkumar, Advocate Sr.No.37384

+1cc to the Government Pleader Sr.No.38297

W.P.No.15255 of 2022

NK(CO)
RVM(20/07/2022)