



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 08.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P (MD) No. 6423 of 2011

and

M.P (MD) No. 2 of 2011

S.S.Muthupandi

... Petitioner

Vs

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The District Revenue Officer,
Collectorate, Tirunelveli -9.

3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Tenkasi, Tirunelveli District.

4.The Tahsildar,
Tenkasi, Tirunelveli District.

5.M.Madasamy @ Duraipandi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified mandamus, to call for the records pertaining to the impugned order in Chee.Ma.No.Ka.2.6.2010 on the file respondent No.2 and quash the same as illegal and consequently directing the respondent Nos.2 to 4 to grant patta to the petitioner in respect of the property in Survey No.423/8 an extent of 0.36.0 Hectare situated at Chokkampatti Village, Tenkasi Taluk, Tirunelveli District.

For Petitioner : Mr.T.Lajapathi Roy,
For Respondent : Mr.D.Gandhiraj,
Nos.1 to 4 Government Advocate
For Respondent : MR.V.M. Balamohan Thampi
No.5

ORDER

This writ petition has been filed as against the order dated 27.09.2010 passed by the DRO, Tirunelveli granting patta in favour
<https://hcservices.ecourts.gov.in/hcservices/>



of the fifth respondent.

2.The grievance of the petitioner is that the DRO has passed the impugned order granting patta in favour of the fifth respondent without even affording an opportunity of hearing to the petitioner and had any opportunity of hearing been provided to the petitioner, he could have established his case before the DRO with relevant documents.

3.It is seen from records that when the writ petition was taken up for hearing on 31.03.2022, on the request of the petitioner, the case was adjourned to 06.04.2022 and the relevant portion is extracted hereunder:

"Learned Counsel for the petitioner submits that if the matter is remanded back to the respondent, he can place the materials before the DRO. He also claims that he is having valid documents in his favour.

For enabling the petitioner to place the necessary documents before this Court, post the matter finally on 06.04.2022."

4.Today when the matter is taken up for hearing, the learned Counsel for the petitioner sought adjournment for the very same reason. Though the petitioner claimed that he was having materials in his favour, he has not placed any such material before this Court, despite sufficient opportunity given.

5.It is seen from records that this writ petition is filed as against the order of the DRO, Tirunelveli on the appeal filed by the fifth respondent granting patta in favour of the fifth respondent. In the absence of any material being placed by the petitioner in his favour, this Court is not inclined to entertain this writ petition and accordingly, this writ petition stands dismissed. It is always open to the petitioner to work out his remedy before the appropriate civil forum. No costs. Consequently, connected miscellaneous petition also stands dismissed.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

dsk



To

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. The District Revenue Officer,
Collectorate, Tirunelveli -9.

3. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Tenkasi, Tirunelveli District.

4. The Tahsildar,
Tenkasi, Tirunelveli District.

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-18027[F] dated
12/04/2022)

W.P (MD) No. 6423 of 2011
08.04.2022

SG (CO)
KB (27.04.2022) 3P 6C