



W.P(MD)No.7314 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.08.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.7314 of 2013

and

M.P(MD)No.1 of 2013

K.Rengan

... Petitioner

Vs.

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The District Revenue Officer,
Pudukkottai District,
Pudukkottai.

3.The Revenue Divisional Officer,
Pudukkottai.

4.The Head Quarter Deputy Tahsildar,
Kulathur,
Keeranur,
Pudukkottai District.

5.T.Nagapillai

6.Peraman

7.Mariappan

8.Packiyam



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9.Karuppusamy

10.Jayapal

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings in Se.Ma.Na.Ka. D3/33043/06 dated 15.04.2013 by the second respondent and quash the same and Consequently Direct the second respoondent for a denova enquiry as per law.

For Petitioner	: Mr.M.S.Suresh Kumar
For R1 - R4	: Mr.S.Shanmugavel Additional Government Pleader
For R5 - R10	: No Appearance

ORDER

The present writ petition has been filed challenging an order passed by the second respondent herein, under which the request of the petitioner for grant of patta has been rejected.

2. According to the petitioner, the property in dispute originally belonged to one Mariyayee, who is said to be the grant-mother of the writ petitioner. According to the petitioner, patta was also standing in the name of Mariyayee. However, suddenly, the name of one Alagan was incorporated and a joint patta was created in the name of Mariyayee and



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Alagan. The petitioner has objected to the same and he has approached the third respondent for deleting the name of Alagan. Since the request of the petitioner was not considered, he had filed W.P.No.5128 of 2006 to dispose of his revision. Since the order passed in the writ petition was not complied with, the petitioner had filed a Contempt Petition.

3. While the contempt was pending, the second respondent has passed orders on 15.04.2013, which is impugned in the present writ petition.

4. A perusal of the impugned order shows that the petitioner, who claims to be the grand-son of Mariyayee has not established his relationship with the said Mariyayee. The petitioner has also not proved how many children did Mariyayee had and how it devolved upon the writ petitioner. Since the second respondent herein could not go into the issue of Genealogy and the title relating to the property, he has chosen to reject the claim of the writ petitioner.

5. In view of the above said disputed facts, this Court cannot



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exercise its jurisdiction under Article 226 of the Constitution of India.

This Writ Petition stands dismissed. However, the writ petitioner is granted liberty to approach the competent Civil Court to establish his title and possession over the property in dispute. In case, if such a civil suit is filed, the said Civil Court shall decide the same being uninfluenced with the orders passed by the District Revenue Officer, dated 15.04.2013 or the order passed by this Court in this writ petition.

6. With the above said observations, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes / No
Internet : Yes / No
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To

WEB COPY

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R.VIJAYAKUMAR ,J.



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Order made in
W.P(MD)No.7314 of 2013

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