



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.02.2022**

CORAM:

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.3485 of 2022

and

W.M.P.[MD]No.3057 of 2022

WEB COPY

M/s.GEE ISPAT Pvt. Ltd.,
Represented by its Authorized person
R.Pramodkumar.

... Petitioner

/Vs./

- 1.The District Collector,
District Collector Office,
Sivagangai - 630562.
- 2.The Revenue Divisional Officer,
RDO Office,
Sivagangai District - 630562.
- 3.The Tahsildar,
Tahsildar Office,
Manamadurai - 630606.
- 4.Muneeswari
- 5.Valli @ Valliyammal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent's impugned Order of illegally issued Patta No.883, dated 20.07.2019 in Survey No.96/4A, Old survey No.96/4, to the extent of 5 acres 32 cents in Manampakki Village, Manamadurai Taluk, Sivagangai District to the 4th Respondent's name, based on the fraudulent settlement deed given by the 5th respondent and the same was also cancelled before issuing Patta by the 5th respondent and with concealed the same land was already sold to the petitioner vide Registered document No.1778/2007, dated 24.07.2007, and quash the same as illegal and consequently direct to issue Patta to the Petitioner based on the same sale deed with take action as per law, based on the petitioner's representation on 11.02.2022, within a stipulated time that may be fixed by this Court.

For Petitioner
For R1 to R3

: Mr.R.Senthilkumar
: Mr.D.Sasikumar
Additional Government Pleader



ORDER

This writ petition has been filed challenging the issuance of Patta No.883, dated 20.07.2019 in favour of the fourth respondent. According to the petitioner, they are the absolute owners of the property, which is the subject matter of Patta No.883, dated 20.07.2019 issued in favour of the fourth respondent and the said patta has been issued illegally and fraudulently in favour of the fourth respondent, though the fourth respondent does not have any right over the property.

2.It is the case of the petitioner that the settlement deed earlier executed in favour of the fourth respondent was cancelled and after the execution of the cancellation deed, patta has been issued in favour of the fourth respondent, which according to the petitioner, is fraudulent and illegal.

3.However, instead of challenging the issuance of patta in favour of the fourth respondent under a statutory appeal to be filed under the Tamil Nadu Patta Passbook Act, 1983, the petitioner has filed this writ petition under Article 226 of the Constitution of India, which is not maintainable.

4.As seen from the affidavit filed in support of this writ petition, the petitioner has already given a representation to the second respondent on 11.02.2022 seeking for cancellation of the patta in favour of the fourth respondent. Since admittedly the said representation has not been considered till date, it can be treated as a statutory appeal and can be disposed of by the second respondent, on merits and in accordance with law, after affording a fair hearing to the petitioner and the respondents 4 and 5 and other necessary parties, if any.

5.Since this Court has already observed that this writ petition is not maintainable, in view of the fact that there is a statutory appeal remedy available to the petitioner before the second respondent aggrieved by the issuance of patta No.813 dated 20.07.2019 in favour of the fourth respondent, a direction is given to the second respondent to dispose of the petitioner's representation dated 11.02.2022 by treating the same as a statutory appeal, within a period of three (3) months from the date of receipt of a copy of this order, after affording a fair hearing to the petitioner and the respondents 4 and 5 and any other necessary parties, if any.



6. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Collector,
District Collector Office,
Sivagangai - 630562.
2. The Revenue Divisional Officer,
RDO Office,
Sivagangai District - 630562.
3. The Tahsildar,
Tahsildar Office,
Manamadurai - 630606.

+1 CC to M/s.SPL GP (SR-8691[F] dated 25/02/2022)

W.P. [MD]No.3485 of 2022

24.02.2022

MGJ(17.03.2022) 3P 5C