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W.P.(MD)NO.17149 OF 2021

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 04.08.2022**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P.(MD)No.17149 of 2021**

S.Muniyandi

... Petitioner

Vs.

1. The District Revenue Officer,  
Theni District,  
Theni.

2. The Revenue Divisional Officer,  
O/o.The Revenue Divisional Officer,  
Camp at Tamaraikulam,  
Periyakulam Taluk,  
Theni District.

3. The Tahsildar,  
Taluk Office,  
Theni District,  
Theni.

... Respondents

**Prayer:** Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to cancel the patta No.888 for the property situated in Survey No.640/2 to an extent of 28.50 sq.mtr. At Podendrapuram Village, Veerapandi Taluk, Theni District and thereby direct the third respondent to issue patta in favour of the petitioner based on his representation dated 18.08.2021.



For Petitioner : Mr.B.Satheshkumar

For Respondents: Mr.M.Sarangan,  
Additional Government Pleader.

\* \* \*

### **ORDER**

Heard the learned counsel on either side.

2. The petitioner states that the petition mentioned property belongs to him. But patta was erroneously issued in favour of one Muniyasamy. It appears that the said Muniyasamy stood as a guarantor in a bank loan and that following the default committed by the principal borrower Selvakumar, the property in question was taken possession in SARFAESI proceedings.

3. In these circumstances, the petitioner has to necessarily move the jurisdictional civil Court for relief. It appears that the antecedent documents are very much in favour of the writ petitioner. In as much as the SARFAESI



proceedings have come to certain conclusion, the petitioner has to necessarily move only the jurisdictional civil Court for obtaining relief. With this liberty to the writ petitioner to move the jurisdictional civil Court, this writ petition stands disposed of. No costs.

**04.08.2022**

Index : Yes / No

Internet : Yes/ No

PMU

**To:**

1. The District Revenue Officer,  
Theni District,  
Theni.
2. The Revenue Divisional Officer,  
O/o.The Revenue Divisional Officer,  
Camp at Thamaraikulam,  
Periyakulam Taluk,  
Theni District.
3. The Tahsildar,  
Taluk Office,  
Theni District,  
Theni.



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**G.R.SWAMINATHAN,J.**

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