



W.P.(MD)No.27271 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.12.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P. (MD) No.27271 of 2022

C.Chandra Sekaran

... Petitioner

Vs.

- 1.The District Collector,
Antipatti,
Theni District.
- 2.The Tahsildar,
Taluk Office,
Aundipatti-625 512,
Theni District.
- 3.The Revenue Inspector,
Aundipatti-bit 1,
Aundipatti-625 512,
Theni District.
- 4.The Village Administrative Officer,
Aundipatti-1,
Aundipatti-625 512,
Theni District.
- 5.The Inspector of Police,
Antipatti Police Station,
Theni District.
- 6.The Firka Surveyor,
Aundipatti-Bit 1,
Aundipatti-628 512,
Theni District.



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7.Nagaraj
8.Rekha
9.Rajammal

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the second respondent to issue patta to the petitioner for the survey SFNo.711/A1A in Aundipatti Village, Bit-1, Theni District by considering the representation made by the petitioner, dated 18.07.2022 and in Jamapanthi in Petition No. 2021/9005/25/974465/0623, dated 23.06.2021.

For Petitioner : Mr.J.Sivaram
For R1 to 4 & 6 : Mr.D.Gandhiraj
Special Government Pleader
For R5 : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the second respondent to issue patta to the petitioner for the survey SFNo.711/A1A situated at Aundipatti Village, Bit-1, Theni District by considering the representation made by the petitioner, dated 18.07.2022 and Petition No.2021/9005/25/974465/0623, dated 23.06.2021 given by the petitioner in Jamapanthi.

2. Heard Mr.J.Sivaram, learned counsel for the petitioner and

Mr.D.Gandhiraj, learned Special Government Pleader, who takes notice for



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respondents 1 to 4 & 6 and Mr.B.Thanga Aravindh, learned Government Advocate (Crl.Side), who takes notice for the fifth respondent. Since no adverse order is going to be passed against the respondents 7 to 9, notice to the respondents 7 to 9 is dispensed with. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

3. The grievance of the petitioner is that the representation submitted by the petitioner seeking issuance of patta in his favour has not been considered.

4.The learned counsel for the petitioner submitted that the petition mentioned property is owned by the petitioner through a registered settlement deed dated 20.11.2009. The private respondents herein (respondents 7 to 9) are trying to encroach upon the same illegally. Hence, the petitioner made a representation to the second respondent in this regard. But, no action has been taken on the same. Thereafter, the petitioner applied seeking patta before the second respondent along with all necessary documents. The same is also kept pending without consideration. Hence, the petitioner has filed the present writ petition with the aforesaid prayer.

5.The learned Special Government Pleader appearing for the official respondents, on instructions, would submit that the relief sought for by the petitioner can be granted only by a competent Civil Court as the petitioner



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alleges that the private respondents are encroaching upon the land of the petitioner. Further, he would submit that only after letting in oral and documentary evidence, the relief sought for by the petitioner can be granted.

6. Instead of redressing his grievances before the Civil Court, the petitioner has given a representation to the second respondent to forbear the respondents 7 to 9 from alienating or encumbering over the subject property and to grant patta for the subject property. Removal of encroachments can only be dealt with by the competent Civil Court.

7. This Court, at this stage, cannot grant the relief as prayed for by the petitioner in a writ petition under Article 226 of the Constitution of India. The allegations levelled by the petitioner can only be adjudicated by a competent civil Court as it requires oral and documentary evidence.

8. For the forgoing reasons, this Writ Petition is dismissed. It is left open to the petitioner to approach the competent civil Court for redressing his grievances. No costs.

02.12.2022

Index : Yes/No
Internet : Yes/No
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V.BHAVANI SUBBAROYAN, J.

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