



W.P(MD)No.17995 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17995 of 2013
and
M.P.(MD)No.1 of 2013

G.Vaanan

... Petitioner

Vs.

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Revenue Divisional Officer,
Usilampatti,
Thirumangalam Taluk,
Thirumangalam,
Madurai District.
- 3.The Tahsildar,
Thirumangalam Taluk,
Thirumangalam,
Madurai District.
- 4.Soundararagavan (Died)
- 5.S.Amudha
- 6.S.Thiyaneshwaran
- 7.S.Gowsalya

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8.Rajeshwaran

... Respondents

(R5 to to R8 are substituted vide order dated 19.07.2023 in W.M.P.(MD)No.439 of 2023 in W.P.(MD)No.17995 of 2013)

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order dated 24.09.2013 in Na.Ka.No.5922/13/A2 issued by the 2nd respondent and Quash the same and consequently directing the 1st respondent to take action against the 3rd respondent's office erred officials in connection with fabrication involved in patta transfer proceedings in file No.R.T.R.File No.9901/12-13.

For Petitioner : Mr.K.Sankarakumarakuruparan

For Respondents : Mr.N.GA.Nataraj,
Government Advocate for R1 to R3.
Mr.T.Vadivelan for R4.

ORDER

Heard the learned counsel for the writ petitioner and the learned Government Advocate for the official respondents. The fourth respondent has passed and his legal heirs were substituted and brought on record. They are yet to be served.

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2.If I have to allow the writ petition, it cannot be done behind the back of the impleaded respondents. If I do not find any merit in the writ petition and it can be dismissed even if some of the respondents are not served, that would not make any difference.

3.The petitioner's mother / Vaidurium was one of the children of Malarkkan Nadar. The fourth respondent / Soundararagavan was the brother of the writ petitioner's mother. The petition mentioned property stood in the name of Malarkkan Nadar. It was mutated in favour of the fourth respondent on the strength of a document styled as “பாகபாத்திய விடுதலை பத்திரம்” The case of the writ petitioner is that his maternal uncle had executed a registered document to which his mother was not a party and that based on the said document, mutation was effected. When the petitioner applied for production of the entire files, the registered document was removed from the file and instead an unregistered document was substituted. That is the allegation of the petitioner. Therefore, the petitioner wanted action to be taken against the concerned officials. When this request was made, the Revenue Divisional Officer,



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Usilampatti informed the petitioner that there has been no commission of fraud and that if the petitioner felt aggrieved by any order of mutation, he can always file an appeal before the District Revenue Officer. This was communicated to the petitioner vide memorandum dated 24.09.2013. It is this that is put to challenge in this writ petition.

4.I am more than satisfied that the petitioner is barking at the wrong tree. If the petitioner felt aggrieved by any erroneous mutation, he can always question the same by filing an appeal before the higher authorities. Instead of doing so, the petitioner wanted departmental action to be taken against the officials concerned. When the petitioner wanted to know on what basis mutation was effected, he was furnished with “பாகபாத்திய விடுதலை பத்திரம்” dated 08.09.1991. The petitioner kept on insisting that mutation was made on the strength of a registered document and not on the basis of the document that has been served on him. When the authority made clear their position, there is no point in continuing to insist that action must be taken against the officials concerned. Before me there is absolutely no material to show that the officials acted on the basis of with some other document. The



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petitioner can very well pursue his remedy before the appellate authority.

If the appellate authority takes any decision, the petitioner can always question the same before this Court. The very filing of this is misconceived. The writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

24.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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