



W.P.(MD).No.5780 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 24.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

**W.P.(MD).No.5780 of 2021
and
W.M.P.(MD).No.4545 of 2021**

Vetrichezhiyan

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Pudukottai District.

2.The Tahsildhar,
Alangudi Taluk,
Pudukottai District.

3.Praba Balan

4.Balasubramanian

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the order of the first respondent made in Ni.Mu.A4/576/2021 dated 24.02.2021, pertaining to the cancellation of the petitioner's patta, to his land ad measuring 0.12.0 Ares in S.No.417/4 and measuring 0.14.0 Ares in S.No.418/2 in Vennavalkudi Village, Alangudi Taluk in Pudukottai District and quash the same as it is arbitrary and illegal.



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For Petitioner : Mr.R.Suriya Narayanan
For R-1 and R-2 : Mr.S.P.Maharajan,
Special Government Pleader.
For R-3 : Mr.R.J.Karthick
For R-4 : No Appearance

ORDER

This Writ Petition is filed to quash the order dated 24.02.2021, pertaining to the cancellation of the petitioner's patta, to his land ad measuring 0.12.0 Ares in S.No.417/4 and measuring 0.14.0 Ares in S.No.418/2 in Vennavalkudi Village, Alangudi Taluk in Pudukottai District.

2. The petitioner is the son of 4th respondent namely Balasubramanian. The 3rd respondent is the contesting respondent. According to the 3rd respondent, her brother Rajendran was the owner and he is having patta in his name. Without notice to the said Rajendran, the petitioner has changed patta in his name, which was put to challenge before the Revenue Divisional Officer/1st respondent. The 1st respondent has passed an order stating that since the order was passed by the Tahsildar without notice to the said Rajendran, he has



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reverted the patta in the name of Rajendran and cancelled the patta which was granted in the name of the petitioner.

3. Admittedly, the petitioner has filed Civil Suit. Therefore, the petitioner shall take recourse in the Civil Suit. The petitioner's plea cannot be entertained, since the dispute is regarding the title. The petitioner and the rival claimants shall independently prove their title before the Civil Court without relying on the patta.

4. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

24.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr



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S.SRIMATHY, J.

Nsr

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