



W.P.(MD)No.4284 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.4284 of 2023

K.Pappathi

... Petitioner

Vs.

1. The District Collector,
Thanjavur District.
2. The Revenue Divisional officer,
Thiruvaiyaru Taluk,
Thanjavur District.
3. M.Palaniyappa,
Tahsildar,
Thiruvaiyaru Taluk,
Thanjavur District.
4. S.Illammaruthi,
The Formerly Tahsildar,
Thiruvaiyaru Taluk,
Thanjavur District.
5. B.Neducheliyan,
The Formerly Tahsildar,
Thiruvaiyaru Taluk,
Thanjavur District.



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6. R.Senthil Kumar,
The Formerly Zonal Deputy Tahsildar,
Thiruvaiyaru Taluk,
Thanjavur District.
7. Mohan,
The Village Administrative Officer,
Thiruvaiyaru East Revenue Village,
Thiruvaiyaru Taluk,
Thanjavur District.
8. Maheswari,
The Formerly Village Administrative Officer,
Thiruvaiyaru East Revenue Village,
Thiruvaiyaru Taluk,
Thanjavur District.
9. Thaniyel Marx,
The Head Surveyor,
Thiruvaiyaru Taluk,
Thanjavur District.
10. Mahalakshmi,
The Surveyor,
Thiruvaiyaru East Revenue Village,
Thiruvaiyaru Taluk,
Thanjavur District.
11. Rajendran,
The Village Assistant,
Thiruvaiyaru East Revenue Village,
Thiruvaiyaru Taluk,
Thanjavur District.



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12. V.Ananth,
S/o.Venkatraman,
Keelamada Vilagam,
Thirvaiyaru Taluk,
Thanjavur District.

13. Eswaran,
S/o.Muthukaruppan,
Kundangudi,
Thiruvaiyaru East Village,
Thiruvaiyaru Taluk,
Thanjavur District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the first respondent to take action and departmental proceedings against the respondents 3 to 11 based on the petitioner's representation dated 31.12.2022.

For Petitioner : Mr.M.Vivek

For Respondents : Mr.S.P.Maharajan
Spl. Govt. Pleader for R1 and R2

O R D E R

This Writ Petition has been filed for a direction to the first respondent to take action and departmental proceedings against the respondents 3 to 11 based on the petitioner's representation dated 31.12.2022 submitted by him.



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2. The case of the petitioner is that the petitioner is the owner of the property in S.No.553/1. Adjacent land owner one Eswaran, sold his property to Ananth and he forced the petitioner to sell her property in favour of Ananth. Hence, the petitioner has filed a suit in O.S.No.102 of 2004 against Ananth and Eswaran, who are the 12th and 13th respondents herein and got permanent injunction. Even thereafter, the said Ananth and Eswaran along with one Rani, Sub-Inspector of Police (Crime), threatened the petitioner and her family, for which, the petitioner's son made a complaint before the State Human Rights Commission. After careful consideration, the Government sanctioned the payment of Rs.15,000/- as compensation to the petitioner's son from the said Rani's salary. However, the revenue records were not mutated in the petitioner's name. Hence, the petitioner has filed a Writ Petition before this Court in W.P.(MD)No.17084 of 2018. Even after issuance of direction, the respondents have not issued chitta and demanded a sum of Rs.50,000/- as bribe amount from the petitioner, however the petitioner refused to pay the amount, thereby the Revenue Divisional Officer rejected the chitta application. Challenging the same, the petitioner has filed another Writ Petition before this Court and the same is pending for



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taking appropriate action against the Revenue Officials. Hence, the petitioner made a complaint dated 31.12.2022 to the first respondent. But till date no order was passed. Therefore, the petitioner has filed the present Writ Petition.

3. The learned counsel appearing for the petitioner would submit that it would suffice, if the first respondent is directed to consider the petitioner's representation dated 31.12.2022, on merits and in accordance with law, within a specified period.

4. Heard the learned counsel appearing for the parties and perused the materials placed before this Court.

5. The facts in the present case are not in dispute. Admittedly, the petitioner made an application for issuance of chitta. However, the same was refused by the Revenue Officials, thereby the petitioner has made a complaint before the District Collector. Since the dispute between the petitioner and the revenue officials cannot be decided by the District



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Collector, it could be resolved only before the Appellate Authority. Instead of approaching the Appellate Authority, filing a Writ Petition under Article 226 of the Constitution of India is not sustainable one. Hence, the prayer sought for in the present Writ Petition cannot be granted.

6. Accordingly, this Writ Petition is dismissed with liberty to the petitioner to work out the remedy before the Appellate Authority in the manner known to law. No costs.

01.03.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

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