



W.P.(MD)No.20040 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.10.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.20040 of 2020

Muralidharan

... Petitioner

-Vs-

1.The District Collector,
Tirchirapalli District, Trichy.

2.The District Revenue Officer,
District Revenue Office,
Trichy.

3.The Revenue Divisional Officer,
Revenue Divisional Office,
Tiruchirapalli District, Trichy.

4.The Tahsildar,
Thottiyam Taluk, Trichy District.

5.Gopalakrishnan
6.Kalaiselvi

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the 1 to 3 respondents to cancel the patta bearing Nos.2353 and 2522 now standing in the name of 4th and 5th respondents respectively with respect to land comprised in Survey No.164/6B and consequently issue fresh patta in the name of the petitioner in respect of



W.P.(MD)No.20040 of 2020

land comprised in Survey No.164/6B based on the petitioner's representation dated 08.08.2020 within the time limit stipulated by this Court.

For Petitioner : Mr.M.Mahendran
For R1 to R4 : Mr.A.K.Manikkam
Special Government Pleader
For R5 and R6 :Mr.VR.Shanmunathan

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus directing the respondents 1 to 4 to cancel the patta that has been given in favour of the respondents 5 and 6 by the Tahsildar.

2.Heard Mr.M.Mahendran, learned Counsel for the petitioner, Mr.A.K.Manikkam, learned Special Government Pleader appearing for the respondents 1 to 4 and Mr.VR.Shanmugam, learned Counsel for the respondents 5 and 6.

3.It is seen from the records that the order passed by the Tahsildar granting patta in favour of the respondents 5 and 6 has not been put to challenge by the petitioner by way of filing an appeal before the Revenue Divisional Officer as provided under the Tamil Nadu Patta Passbook Act, 1983. Till such an appeal is filed before the competent authority, there is no scope for this Court



W.P.(MD)No.20040 of 2020

to direct the respondent to cancel the patta that has been granted in favour of the respondents 5 and 6. The material placed before this Court does not anywhere indicate that the petitioner has filed any appeal as per the procedure provided under the Act.

4.In view of the same, the relief sought for by the petitioner cannot be granted by this Court. If the petitioner is aggrieved by the issuance of patta in favour of the respondents 5 and 6, the petitioner has to follow the procedure as provided under the Act and file an appeal before the competent authority and work out his remedy.

5.With the above observation, this Writ Petition is disposed of. No costs.

09.10.2023

NCC :Yes/no
Index :Yes/no
Internet :Yes/no

cmr



W.P.(MD)No.20040 of 2020

To

WEB COPY

- 1.The District Collector,
Tirchirapalli District, Trichy.
- 2.The District Revenue Officer,
District Revenue Office,
Trichy.
- 3.The Revenue Divisional Officer,
Revenue Divisional Office,
Tiruchirapalli District, Trichy.
- 4.The Tahsildar,
Thottiyam Taluk, Trichy District.



WEB COPY



W.P.(MD)No.20040 of 2020

N.ANAND VENKATESH, J.

cmr

W.P.(MD)No.20040 of 2020

09.10.2023