



W.P(MD)No.13763 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13763 of 2015

K.Seetha,
Rep. by her Power Agent,
V.Selvaraj.

... Petitioner

Vs.

1.The Tahsildar,
Revenue Tahsildar Office,
Manachanallur,
Trichy District.

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

3.Mookan

4.P.Lakshmi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, directing the 1st and
2nd respondents to consider and pass orders on the petitioner's



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representation dated 25.03.2015 to cancel the wrongly issued patta within the time that may be stipulated by this Court.

For Petitioner : Mr.S.Ramanathan,
For Ms.V.Sujatha Siddharthan

For Respondents : Mr.S.Shanmugavel,
Addl. Government Pleader for R1 & R2.
Mr.M.Saravanan for R3.

ORDER

Heard the learned counsel for the petitioner, the learned Additional Government Pleader for the respondents 1 and 2 and the learned counsel for the third respondent. As against the fourth respondent, the writ petition had been dismissed for default on 28.04.2019.

2.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for.



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3.The contesting respondent has filed counter affidavit as well as typed set of papers and the learned counsel took me through their contests. The respondents pressed for dismissal of the writ petition.

4.I carefully considered the rival contentions and went through the materials on record. The case of the petitioner is that the patta issued in favour of the respondents 3 and 4 must be cancelled.

5.Jeyalakshmi & Co. filed O.S.No.184 of 1996 before the District Munsif Court, Lalgudi for recovery of possession against the private respondents and several others. The suit was decreed. Seetha had purchased the suit property from the said Jeyalakshmi and Co. Thiru.Selvaraj acted as her power agent.

6.It is seen from the typed set of papers filed by the third respondent that on 12.07.2004, Selvaraj in his capacity as a power agent sold a piece of land in favour Thiru.Mookan. Based on the said sale deed, Mookan applied to the Tahsildar, Manachanallur for mutation of revenue record. On 09.11.2007, mutation was effected not only in favour



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of Mookan but in favour several persons who had purchased from Selvaraj and FMB was also accordingly issued. These proceedings had taken place way back in November 2007 itself. If according to the petitioner, the mutation was wrongly effected, he would not have kept quiet. Only on 25.03.2015 for the first time a complaint was made by Selvaraj. The learned counsel for the third respondent states that since adjacent land was promoted as a lay out by Selvaraj, an advice was given that if the property standing in the name of Mookan and Lakshmi can be shown for access, it would be better for promoting the lay out and that is why a complaint was given before the first respondent for cancelling the patta as if it was wrongly issued in the year 2007.

7.I do not want to go into the correctness of the said allegation. It is seen that Mookan had filed E.A.No.90 of 2010 for exonerating him in E.P.No.34 of 2004 in O.S.No.184 of 1996 on the file of District Munsif Court, Lalgudi and the said petition is still pending.

8.I am more than satisfied that the civil dispute between the petitioner on the one hand and the private respondents on the other



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cannot be resolved by the revenue authorities. The matter has to be adjudicated only before the jurisdictional Civil Court. I am therefore not inclined to grant the direction sought for.

9. Granting liberty to the petitioner to work out their rights in the manner known to law before the jurisdictional Civil Court, this writ petition is dismissed. No costs.

17.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

1. The Tahsildar,
Revenue Tahsildar Office,
Manachanallur,
Trichy District.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Lalgudi, Trichy District.



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G.R.SWAMINATHAN, J.

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