



W.P.(MD)No.21666 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.21666 of 2021

Malaikannu

... Petitioner

Vs.

1.The District Collector,
Collector Office,
Sivagangai District – 630 562.

2.The District Revenue Officer,
District Revenue Office,
Sivagangai – 630 562.

3.The Revenue Divisional Officer,
RDO Office,
Sivagangai District – 630 561.

4.The Tahsildar,
Manamadurai Taluk,
Sivagangai District – 630 606.

5.The Commissioner,
Block Development Office,
Manamadurai 630606.

6.Kasirajan ... Respondents
(Respondent No.6 is impleaded vide order of this Court dated 21.01.2023
made in W.M.P.(MD).No.12481 of 2022 in W.P.(MD).No.21666 of 2021)



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents Nos.1 to 4 to cancel the wrongly subdivision as Survey No.131/19A in the name of the 5th respondent of the petitioners father Vellikon properly registered purchased land in Survey No.131/19, vide Document No. dated 16.09.1974 without any lawful acquisition or compensation or notice to the petitioners father or legal heir of the petitioner based on the petitioner's representation as in person on 02.09.2021 and consequently representation on 21.09.2021 within a stipulated time may be fixed by this Court.

For Petitioner : Mr.R.Senthilkumar

For R-1 to R-4 : Ms.D.Farjana Ghoushia,
Special Government Pleader

For R-5 : Mr.M.Sarangan

For R-6 : Mr.T.Selvan

ORDER

This Writ petition has been filed for issuance of writ of mandamus directing the respondents to act upon the representation made by the petitioner on 21.09.2021, wherein, the petitioner has sought for the cancellation of the patta standing in the name of the fifth respondent.

2. The grievance of the petitioner is that the subject property absolutely belongs to the father of the petitioner and that the fifth



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respondent started claiming ownership over the property and the revenue records were also mutated in the name of the fifth respondent. In view of the same, the petitioner made a representation seeking for the cancellation of the entry and for restoring of the patta in the name of the owner of the property. Since the same was not considered, the present Writ Petition has been filed before this Court.

3. In the considered view of this Court, the representation in this case has been made to a wrong authority, viz., the District Collector. The District Collector cannot deal with the issue that has been raised by the petitioner. Just because, the copy of the representation has been marked to the other authorities, that does not mean that the other authorities will act upon the representation.

4. The real grievance of the petitioner seems to be that the property was sub-divided by the fourth respondent and the survey No. 131/19 A, for an extent of 0.0.50 ares was mutated in the name of the fifth respondent without any notice to the petitioner. If the petitioner has any such grievance, the petitioner can only file an appeal before the concerned



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Revenue Divisional Officer and work out his remedy. The District Collector is not vested with any such power under the Tamil Nadu Patta Passbook Act, 1983. Hence, it will be left open to the petitioner to work out his remedy before the competent authority in accordance with law.

5. This Writ Petition is disposed of in the above terms. No costs.

21.11.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
tsg

To

- 1.The District Collector,
Collector Office,
Sivagangai District – 630 562.
- 2.The District Revenue Officer,
District Revenue Office,
Sivagangai – 630 562.
- 3.The Revenue Divisional Officer,
RDO Office,
Sivagangai District – 630 561.
- 4.The Tahsildar,
Manamadurai Taluk,



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Sivagangai District – 630 606.

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N.ANAND VENKATESH, J.



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