



W.P.(MD)No.21751 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2023

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**

and

THE HONOURABLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P(MD)No.21751 of 2023

and

W.M.P(MD)No.18151 of 2023

Selvam

... Petitioner

Vs.

1.The District Collector,
Karur District,
Karur.

2.The Revenue Divisional Officer,
Kulithalai,
Karur District.

3.The Tahsildar,
Tharagampatti Taluk,
Karur District.

4.Kannudaiyar

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 3 to cancel the Natham Patta in Patta No.411 issued in favour of the fourth respondent in respect of land in S.No.689/13 situated at Keelpaguthi Villae, Chinthamani Patti Village Group, Kadavur Taluk, Karur District and restore the pathway towards Arulmigu Mariamman and Vinayagar Temple situated on the Rice Mill Road, Chinthamani Patti Village, from Keelpaguthi Village, which has been obstructed due to the grant of the said patta to the fourth respondent.



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For Petitioner

:Mr.V.Kannan

For R-1 to R-3

:Mr.P.Thilak Kumar,
Government Pleader

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

Heard the learned counsel for the petitioner and the learned Government Pleader for respondents 1 to 3.

2. This writ petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus directing the respondents 1 to 3, to cancel the Natham Patta in Patta No.411 issued in favour of the fourth respondent in respect of the land in S.No.689/13 situated at Keelpaguthi Villae, Chinthamani Patti Village Group, Kadavur Taluk, Karur District and restore the pathway towards Arulmigu Mariamman and Vinayagar Temple situated on the Rice Mill Road, Chinthamani Patti Village, from Keelpaguthi Village.

3. The case of the petitioner is that he along with his family and other villagers worship one Mariamman and Vinayagar Temple situated on the main road known as Rice Mill Street in Chinthamani Patti Village. It is



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the specific case of the petitioner that there is a pathway which is in existence through Survey No.689/13. The petitioner admitted that patta has been issued in favour of the fourth respondent in respect of Survey No.689/13. Stating that the persons, who had encroached the pathway earlier gave a consent letter in writing that they would not obstruct the pathway to the temple, the petitioner states that the villagers are using a pathway through the land in Survey No.689/13. Strangely the petitioner has not shown as to how the document that was relied upon by him would bind the fourth respondent, who is according to the petitioner is the real owner as per revenue records.

4. Further, the revenue records relied upon by the petitioner did not indicate that the petitioner was permitted by the pattadhar to use the particular pathway through the land in Survey No.689/13. Though the petitioner himself admits the ownership as per the revenue records in favour of the fourth respondent, he seeks cancellation of such patta. Therefore, the writ petition is wholly misconceived. The petitioner should approach the civil Court to establish his right before the civil Court as against the fourth respondent and he cannot approach this Court by filing a writ petition to cancel the patta that stands in the name of the fourth respondent. Therefore, the writ petition is liable to be dismissed.



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5. Accordingly, the writ petition is dismissed. No Costs.

Consequently, connected Miscellaneous Petition is closed.

[S.S.S.R., J.] [D.B.C., J.]
07.09.2023

Index : Yes / No
NCC : Yes/No

pm

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