



W.P(MD)No.22569 of 2023

WEB CO BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.22569 of 2023

Bothakar.P

... Petitioner

Vs

**1.The District Collector,
Madurai District,
Madurai.**

**2.The Revenue Divisional Officer,
Melur Division,
Madurai District.**

**3.The Tahsildar,
Melur Taluk,
Present in Narasingapatty,
Madurai District.**

4.Gulam Thamseer Sahib Achary

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to cancel the Patta No.3 having survey No.



W.P(MD)No.22569 of 2023

822/1A1 situated at A.Vallalapatty Village, Melur Taluk, Madurai District, which has been issued illegally to the 4th respondent and take appropriate action against them based upon the petition which has been pending before the 2nd respondent, based on the petitioner's representation dated 02.06.2023 and dispose of the same within the time limit that may be stipulated by this Court.

For Petitioner	:Mr.M.Pandian
For R1 to R3	:Mr.G.V.Vairam Santhosh Additional Government Pleader

ORDER

The petitioner has filed this writ petition for a Mandamus, directing the respondents 1 & 2 to cancel the patta No.3 having S.No.822/1A1 of A.Vallalapatty Village, Melur Taluk, Madurai District.

2.The case of the petitioner is that he has purchased the property in S.No.822/1A1 through a sale deed in the year 2014, which was registered as Document No.4893/2014. The fourth respondent by creating some forged documents has obtained a patta.



W.P(MD)No.22569 of 2023

WEB COPY

According to him, the revenue officials without following the principles of natural justice have changed the patta, which stands in the name of the petitioner. The petitioner claims that he has submitted a representation on 02.06.2023 to the second respondent. However, the second respondent has not taken any steps. Therefore, he has filed this writ petition to cancel the patta, based on his representation dated 02.06.2023.

3.Mr.G.V.Vairam Santhosh, learned Additional Government Pleader submits that as per 'A' Register, the property was originally stand in the name of the fourth respondent herein. However, this petitioner, by creating a forged document has changed the patta and on the complaint of the fourth respondent, an enquiry was conducted by the Revenue Divisional Officer in the year 2014. The Revenue Divisional officer, by proceedings in Na.Ka.No.6417 of 2014, dated 10.09.2015 has passed an order, cancelling the patta, which stands in the name of the petitioner and also passed an order in favour of the fourth respondent. The petitioner has also filed a



W.P(MD)No.22569 of 2023

revision petition before the District Revenue officer, based on which, an enquiry was conducted by the District Revenue officer in G2/54218/2015, and the same was dismissed on 26.12.2022. The petitioner has not challenged the order of the District Revenue officer and has not invoked civil jurisdiction to establish his rights. By suppressing the above materials, the petitioner has filed this writ petition before this Court.

4.Considering the submission made by the learned Additional Government Pleader and this petitioner has already filed a revision petition before the District Revenue officer and the same was dismissed on 26.12.2022, this writ petition is dismissed with a liberty to the petitioner to work out his remedy before the competent civil Court. No costs.

15.09.2023

NCC : Yes / No.
Index : Yes / No.
Internet: Yes
vrn



W.P(MD)No.22569 of 2023

WEB COPY

To

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Revenue Divisional Officer,
Melur Division,
Madurai District.
- 3.The Tahsildar,
Melur Taluk,
Present in Narasingapatty,
Madurai District.



WEB COPY



W.P(MD)No.22569 of 2023

B.PUGALENDHI, J.

vrn

Order made in
W.P(MD)No.22569 of 2023

15.09.2023