



WP(MD)No.8855 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.8855 of 2016
and
WMP(MD)Nos.7054, 7055 of 2016

R.Balachandran

... Petitioner

v.

1.The District Revenue Officer,
Thanjavur District,
Thanjavur.

2.The Sub Collector,
Kumbakonam,
Thanjavur District.

3.The Tahsildar,
Kumbakonam Taluk,
Thanjavur District.

4.A.Kothandapani

5.A.Seenivasan

6.A.Ravichandran

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records of the second respondent in ப.ம.மே.மு.த.ப.16/13 அ3 dated 24.12.2014 and the consequential order of the first respondent in த.ப.உ(2) 55/2015 dated 30.12.2015 and quash the same and consequently, directing the respondents to issue patta in favour of the petitioner.

For Petitioner : Mr.V.Perumal

For Respondents : Mr.J.K.Jeyaseelan,
Government Advocate
for R.1 to R.3

ORDER

The petitioner has filed this writ petition as against the order passed by the District Revenue Officer rejecting his request for grant of patta in the revision petition filed by him.

2.According to the petitioner, the Tahsildar, Kumbakonam, has conducted a detailed enquiry and has recommended for grant of patta in his favour. However, the Revenue Divisional Officer has rejected the proposal made by the Tahsildar and therefore, the petitioner has preferred a revision



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petition before the District Revenue Officer in ப.ம.மே.மு.த.ப.16/13 அ3. But, the revisional authority has also passed an order against him and therefore, he has preferred this revision petition.

3.Learned Counsel appearing for the petitioner submitted that all the documents are in favour of the petitioner, however, the Revenue Divisional Officer and the District Revenue Officer, without considering the documents in a proper manner, have erroneously rejected the recommendation made by the Tahsildar, Kumbakonam.

4.Learned Government Advocate appearing for the official respondents submitted that this Court has not yet ordered notice and the private respondents have not been served. He further submitted that the patta already stands in the name of private individuals and if the petitioner is having any grievance, his remedy is only by filing a civil suit. He also submitted that the private respondents have already filed a suit as against this petitioner in O.S.No.76 of 2014 before the Principal District Munsif Court, Kumbakonam.



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5.This Court considered the submissions made by the respective Counsel and also perused the available materials.

6.Though this writ petition was filed in the year 2016 as against the orders of the District Revenue Officer, not even a notice was ordered in the writ petition, however, the learned Government Advocate is ready with instructions.

7.Be that as it may, in view of the provision under Rule 14 of the Tamil Nadu Patta Passbook Rules, this Court is not inclined to entertain this writ petition. The petitioner has to work out his remedy only before the competent civil Court. It appears that already there is a civil suit pending in O.S.No.76 of 2014.

8.In the result, this writ petition is closed, with liberty to the petitioner to work out his remedy either by filing a separate suit for declaration or to work out his remedy in the suit which is pending in O.S.No.76 of 2014 on the



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file of the Principal District Munsif Court, Kumbakonam. No costs.

WEB Consequently, connected miscellaneous petitions are closed.

Index : Yes / No

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Internet : Yes / No

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To

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B.PUGALENDHI, J.

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