



W.P.No.6540 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No. 6540 of 2024

P.Matheswaran

... Petitioner

versus

1. The District Collector,
District Collector Office,
Tiruchengode Road,
Namakkal, Tamil Nadu – 637 003.

2. The District Revenue Officer,
District Collector Office,
Tiruchengode Road,
Namakkal, Tamil Nadu – 637 003.

3. The Sub-Collector,
Mohanur Road,
Namakkal – 637 001.

4. The Tahsildar,
Tahsildar Office,
Rasipuram – 637 408.

5. R. Nalliappan

6. Koushika

7. Deepika

... Respondents

Pg.Nos.1/6



W.P.No.6540 of 2024

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing respondents 1 to 4 herein to remove names of 6th and 7th respondents from Patta bearing Nos.48, 49 and 154 pertaining to the lands measuring 1.94 acres in S.F.No.19/4, 1.31 acres in S.F.No.33/4, 1.83 acres in S.F.No.33/6 and 0.07 acre in S.F.No.19/7 of Komarapalayam Village and consequentially issue a patta in the names of P.M.Manoj and the petitioner herein, who are the rightful owners of the said properties.

For Petitioner : Ms.S.Akila
For Respondents : Mr.T.Arun Kumar
Additional Government Pleader
for R1 to R4

ORDER

Mr.T.Arun Kumar, learned Additional Government Pleader accepts notice for respondents 1 to 4. Since this writ petition is being disposed of without passing any adverse orders against respondents 5 to 7, affecting their interest, notice to those respondents is dispensed with.

2. This writ petition has been filed seeking for issuance of a writ of mandamus, directing respondents 1 to 4 herein to remove the names of respondents 6 and 7 from Patta bearing Nos.48, 49 and 154 in respect of the



W.P.No.6540 of 2024

lands measuring to an extent of 1.94 acres in S.F.No.19/4; 1.31 acres in S.F.No.33/4; 1.83 acres in S.F.No.33/6 and 0.07 acre in S.F.No.19/7 of Komarapalayam Village and consequently issue Patta in the names of the petitioner and one P.M.Manoj, who are the rightful owners of the said properties.

3. The learned counsel for the petitioner submitted that based on the fraudulent settlement deed, respondents 6 and 7 had obtained Patta in their names in respect of the subject properties. Hence, the petitioner has made a representation to the fourth respondent on 05.04.2022 seeking to cancel the Patta in the names of respondents 6 and 7 and issue Patta in the name of the petitioner and one P.M.Manjoj. However, till date, the fourth respondent has not taken any action on the said representation.

4. It is seen from the records that since there is a property dispute, the petitioner's predecessor-in-title namely Rajendiran and others had filed suit in O.S.No.81 of 2011 on the file of the Subordinate Court, Rasipuram against the respondents 5 to 7 herein and the same was decreed in favour of



W.P.No.6540 of 2024

the said Rajendiran and others on 04.07.2018. As against the same, respondents 6 and 7 preferred appeal suits in A.S.Nos.50, 51, 52 and 53 of 2018 on the file of the Principal District Court, Namakkal and the same was dismissed on 25.09.2019 and the second appeals are filed as against the decree passed in first appeal is pending.

5. It is needless to say that the dispute between the petitioner and respondents 5 to 7 is purely civil in nature, which has to be agitated and adjudicated upon only before the Competent Civil Forum. Therefore, I find that the present writ petition is totally misconceived. Thus, the writ petition fails and the same is dismissed. However, the petitioner is at liberty to work out his remedy before the Competent Civil Forum. There shall be no order as to costs.

14.03.2024

Index: Yes/No
Speaking Order : Yes/No
Neutral Citation Case : Yes/No
ms

Pg.Nos.4/6



W.P.No.6540 of 2024

WEB COPY

To

1. The District Collector,
District Collector Office,
Tiruchengode Road,
Namakkal, Tamil Nadu – 637 003.
2. The District Revenue Officer,
District Collector Office,
Tiruchengode Road,
Namakkal, Tamil Nadu – 637 003.
3. The Sub-Collector,
Mohanur Road,
Namakkal – 637 001.
4. The Tahsildar,
Tahsildar Office,
Rasipuram – 637 408.



WEB COPY



W.P.No.6540 of 2024

P.VELMURUGAN, J.
ms

W.P.No.6540 of 2024

14.03.2024

Pg.Nos.6/6