



WEB COPY



WP.No.10326 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.10326 of 2024

R.Boopathy

.. Petitioner

Versus

1. The District Collector,
Office of District Collector, Salem – 636 001.

2. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Mettur, Salem – 636 401.

3. The Tahsildar,
Mettur, Salem District – 636 401.

4. Chitra

5. Nathiya

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus by directing the second respondent to cancel the patta issued in favour of the fourth and fifth respondent in survey No.237/1B by considering the petitioner representation dated 03.02.2024.

For Petitioner : Mr.M.Mariappan

For Respondents : Mr.A.Selvendran
Special Government Pleader – R1 to R3



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ORDER

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With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition is filed to direct the second respondent to cancel the patta issued in favour of the fourth and fifth respondents in survey No.237/1B by considering the representation of the petitioner dated 03.02.2024.

3. Heard learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 3 and perused the materials available on record.

4. The case of the petitioner is that on 23.09.2023, the subject property has been settled in favour of the petitioner by his parents by way of a settlement deed. While so, the patta and FMD sketch of the land was wrongly given to the fourth and fifth respondents. In this regard, the petitioner has given a representation to the respondents and they have not taken any action on the same. Hence, the present Writ Petition.



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5. The learned Special Government Pleader counsel appearing for the respondents 1 to 3 would submit that the subdivision has been made as per the documents produced by the parties.

6. In such view of the matter, as the subdivision has been done as per procedure, mere direction to consider the representation of the petitioner will not serve any purpose. If finality should be reached, the matter should be decided based on the evidence before the Civil Court. Hence, let the petitioner, if so advised, file an appropriate suit before the competent Civil Court to establish his rights.

7. With the above observations, this Writ Petition is dismissed. No costs.

17.04.2024

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Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No



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To,

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N. SATHISH KUMAR, J.

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