



DATED :02.02.2024

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

and

S.Moorthy

... Petitioner

1. The District Revenue Officer,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Dindigul,
Dindigul District.

3.The Tahsildar, Nilakottai Taluk, Dindigul District.

4. The Village Administrative Officer,
Kanavaipatti Panchayat,
Nilakottai Taluk,
Dindigul District.

5. Mrs. Indrani

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the



W.P.(MD).No.2162 of 2024

records pertain to the impugned order dated 15.12.2023 passed by the first respondent through his proceedings in Na.Ka.No.902853/2023/Aa4 and quash the same as illegal and consequently direct the respondents to rectify the petitioner's erroneous patta No.420 by including 26 cents of land.

For Petitioner : Mr.T.Indrachithu

For R1 to R4 : Mr.D.Gandhiraj,
Special Government Pleader

ORDER

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order, dated 15.12.2023, passed by the first respondent through his proceedings in Na.Ka.No.902853/2023/Aa4 and quash the same as illegal and consequently direct the respondents to rectify the petitioner's erroneous patta No.420 by including 26 cents of land.

2.The case of the petitioner is that the land measuring an extent of 1 acre 70 cents comprised in original Survey No.419 at Kanagapatti Village, Nilakottai Taluk, Dindigul District, is the ancestral property of the petitioner. Out of 1 acre 70 cents, after partition, the petitioner



W.P.(MD).No.2162 of 2024

WEB COPY

inherited 85 cents of land. Subsequently, the original survey number 419, was sub-divided and new survey number 419/1 was given to the petitioner's land. In the meantime, the petitioner learnt that the Patta No.420, which was issued in the name of the petitioner's father, 26 cents of land has been excluded mistakenly.

3. It is the further case of the petitioner that by taking advantage of the erroneous patta, the fifth respondent, who is the subsequent purchaser, tried to grab the property of the petitioner. Hence, proceedings had been initiated in Na.Ka.No.19316/2013/Aa4 dated 25.12.2023. Thereafter, the petitioner made a representation to the first respondent on 30.05.2023, seeking to expedite the said proceedings. Since the same was not considered, the petitioner filed a writ petition in W.P(MD)No.15931 of 2023. The said writ petition was disposed of by this Court directing the first respondent to dispose of the petitioner's appeal, within a period of twelve weeks. Even thereafter, the first respondent did not take any action to dispose of the petitioner's appeal. Hence, contempt notice has been issued to the first respondent. On receipt of contempt notice, the first respondent passed the impugned



W.P.(MD).No.2162 of 2024

WEB COPY

order, dated 15.12.2023, dismissing the petitioner's appeal stating that since the suit in O.S.No.713 of 2023 filed by the fifth respondent, is pending, the relief of the petitioner cannot be granted. Being aggrieved, the petitioner has filed this writ petition with the aforesaid prayer.

4. The learned Special Government Pleader appearing for the official respondents, on instructions, would submit that there is a civil suit pending in O.S.No.713 of 2023 on the file of the Principal Sub-Court, Dindigul and as per the circular issued by the Commissioner for Land Administration, Chennai, in K3/27160/2008, dated 13.03.2018, if there is any unsolved dispute between the parties, only the civil Court can consider and pass appropriate orders. Based on the judgment and decree passed by the civil Court, the authority concerned can pass orders accordingly and therefore, the petitioner was directed to approach the civil Court for getting appropriate orders.

5. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the official respondents and perused the materials placed before this Court.



W.P.(MD).No.2162 of 2024

WEB COPY

6. On going through the averments made and the submissions on either side, this Court is of the view that the prayer sought for by the petitioner in this writ petition cannot be granted. It is for the petitioner to approach the competent civil Court and obtain appropriate orders so as to enable the respondents to make changes in the patta.

7. With the above observations, this writ petition is disposed of.
No Costs. Consequently, connected Miscellaneous Petition is closed.

02.02.2024

Index:Yes/No

NCC:Yes/No

PM

To

1.The District Revenue Officer,
Dindigul District, Dindigul.

2.The Revenue Divisional Officer,
Dindigul, Dindigul District.

3.The Tahsildar, Nilakottai Taluk,
Dindigul District.

4.The Village Administrative Officer,
Kanavaipatti Panchayat,
Nilakottai Taluk, Dindigul District.



WEB COPY



W.P.(MD).No.2162 of 2024

V.BHAVANI SUBBAROYAN,J.

PM

W.P.(MD)No.2162 of 2024

02.02.2024