



W.P(MD)No.6734 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6734 of 2024

and

W.M.P.(MD)No.6242 of 2024

R.Gurusamyboyan

... Petitioner

Vs.

1.The District Collector,
Theni District, Theni.

2.The District Revenue Officer,
Theni District, Theni.

3.The Revenue Divisional Officer,
Periyakulam, Theni District.

4.The Tahsildar,
Theni,
Theni District.

5.P.Ravindranath

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 2nd respondent vide her



W.P(MD)No.6734 of 2024

proceeding in Na.Ka.No.39170/2022/D5(L.Ref) dated 19.12.2023, quash the same and further directing the respondents 1 to 4 to conduct fair and proper enquiry into the illegal mutations made in the revenue records pertaining to the petitioner's land comprised in Survey No.3218/1, situated at Thenkarai Village, Periyakulam Taluk, Theni District rectify the same and issue patta in the petitioner's name.

For Petitioner : Mr.A.Jayaramachandran

For Respondents : Mr.M.Lingadurai,
Spl. Government Pleader for R1 to R4.

ORDER

Heard the learned counsel for the writ petitioner and the learned Special Government Pleader for the respondents 1 to 4. Issuance of notice to the fifth respondent is dispensed with.

2.The petitioner's claim is that the petition mentioned lands belong to him. His specific allegation is that even though patta was issued in favour of his father, the revenue records have been fraudulently changed during the intervening years. He wanted investigation to be done. He filed



W.P(MD)No.6734 of 2024

W.P.(MD)No.21572 of 2022 in this regard. This Court vide order dated 28.11.2022 directed the District Revenue Officer, Theni to conduct enquiry.

Pursuant to the said direction, the impugned order came to be passed. The petitioner challenges the same on the grounds set out in the affidavit filed in support of the writ petition.

3.I am clearly of the view that the petitioner can get effective relief only by moving the jurisdictional Civil Court by filing an appropriate suit. Absolutely no purpose will be served in pursuing writ remedy. This is because too many factual aspects are involved. The Writ Court in exercise of its jurisdiction under Article 226 of the Constitution of India cannot delve deep into such issues. I, therefore, dispose of the writ petition by relegating the petitioner to invoke the civil Court's jurisdiction. It appears that the petitioner is not possessed of funds. He can very file a Pauper Original Petition. As and when such O.P. is filed, it shall be numbered immediately. Notice shall be sent to the jurisdictional Tahsildar. The jurisdictional Tahsildar will conduct enquiry and submit his report within a period of four months thereafter. If the petitioner is not having funds to pay the Court fee, the suit shall be numbered and taken on file.



W.P(MD)No.6734 of 2024

WEB COPY

4. With this liberty to the petitioner and direction to the Civil Court, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

20.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

To:-

1. The District Collector,
Theni District, Theni.
2. The District Revenue Officer,
Theni District, Theni.
3. The Revenue Divisional Officer,
Periyakulam, Theni District.
4. The Tahsildar,
Theni,
Theni District.



WEB COPY



W.P(MD)No.6734 of 2024



WEB COPY



W.P(MD)No.6734 of 2024

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.6734 of 2024

20.03.2024