



W.P.(MD)No.19632 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD)No.19632 of 2024

Shanmugavelu

... Petitioner

Vs.

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The District Revenue Officer,
District Revenue Office,
Collectorate, Ramanathapuram.
- 3.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
- 4.The Tahsildar,
Kamuthi Taluk,
Ramanathapuram District.
- 5.Sabarimuthumani
- 6.Kasi
- 7.Muthuramalingam
- 8.Pandi
- 9.Marivel
- 10.Sangeetha

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the fourth respondent to cancel the patta stands in the name of the respondents 5 to 10 in Patta No.251, 252, 253, 254, 255 and 256 and to issue patta in the petitioner's name in respect of Survey No.159 Old S.No.126/3A situated at Villanenthall Group, Kamuthi Taluk, Ramanathapuram District based on the representation dated 08.07.2024.

For Petitioner : Mr.S.Muniyandi

For R1 to R4 : Mr.A.Kannan
Additional Government Pleader

For R5 to R10 : No Appearance

ORDER

This writ petition has been filed for a direction to the fourth respondent to cancel the patta standing in the name of the respondents 5 to 10 and to issue patta in the petitioner's name in respect of S.No.159, old S.No.126/3A at Villanenthall Group, Kamuthi Taluk, Ramanathapuram District, based on the representation dated 08.07.2024.

2. The property in S.No.159, old S.No.126/3A at Villanenthall Group, Kamuthi Taluk, Ramanathapuram District originally belonged to the petitioner's father. While so, the fourth respondent assigned patta to the respondents 5 to 10 without verifying the registration documents. According to the petitioner, the



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respondents 5 to 10 are influential persons and managed to get assignment patta in their favour under the scheme established by the Government. The petitioner approached the Sub Collector for cancellation of patta in the name of the respondents 5 to 10 and the Sub Collector vide order, dated 12.09.2023 directed the fourth respondent to take necessary action in respect of the petitioner's petition. Even the petitioner's brother approached the third respondent to cancel the patta in favour of the respondents 5 to 10, but no action was taken. The petitioner filed a suit in O.S.No.311 of 2024 before the Sub Court, Mudhukulathur for declaration of title and injunction and the same is pending. Therefore, the petitioner on 08.07.2024 sent a representation to the respondents 1 to 4 to cancel the patta issued in the name of the respondents 5 to 10. As no action was taken, the petitioner filed the writ petition for the aforesaid relief.

3. The respondents filed a counter stating that the petitioner filed a suit in O.S.No.311 of 2024 on the file of the Sub Court, Mudukulathur for declaration and injunction in respect of the subject property and the same is pending adjudication. The respondents therefore submitted that as the petitioner already approached the Civil Court, the writ petition cannot be entertained.

4. Admittedly, the petitioner approached the Civil Court for declaration of title and permanent injunction in O.S.No.311 of 2024 on the file of the Sub



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Court, Mudukulathur. It is seen that as per the Government records, the subject land is classified as Government poramboke. The petitioner having approached the Civil Court to establish his title to the subject property, the writ petition seeking cancellation of patta in the name of the respondents 5 to 10 cannot be entertained at this stage.

5. In the light of the fact that the civil Court is seized of the matter in O.S.No.311 of 2024 on the file of the Sub Court, Mudukulathur, the writ petition cannot be entertained and the same is dismissed. No costs.

12.11.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
SN



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N.MALA, J.

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