



W.P.(MD).No.30481 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 16.12.2024

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P.(MD).No.30481 of 2024

P.Ashok Kumar

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.

3.The Revenue Divisional Officer,
Tiruchendur Division,
Thoothukudi District.

4.M.Gopal,
Tahsildar,
Sipcot Taluk Office,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, to direct the respondents 1 to 3 to take appropriate action as against the 4th respondent for the act of change the patta Survey Number 1468/26 situated at East Tiruchendur Village, Tiruchendur Taluk,



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Thoothukudi District stood in the name of the Veerapandiya Kattabomman Madam and restore the said patta in the name of the Veerapandiya Kattabomman Madam (Government land) by considering the petitioner's representations dated 22.11.2023, 11.12.2023, 22.01.2024, 19.02.2024 and 14.10.2024 within a stipulated period as framed by this Court.

For Petitioner : Mr.J.David Ganesan
For R-1 & R-3 : Mr.P.Thilak Kumar
Government Pleader
For R-2 : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

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

2. When, admittedly, Patta No.402 has been granted in favour of the Vijayaraja @ Veerapandiya Subramaniya Kattabomman and others, for the lands comprised in Survey No.1468/26 in East Tiruchendur Village, Thoothukudi District, the claim of the petitioner herein that the private parties have encroached into the land, cannot be sustained, since there is a presumption drawn on the Patta Passbook Act that the entries made in the patta are true and



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genuine. If at all the petitioner is aggrieved against the grant of patta, his only option would be to invoke the provisions of the Patta Passbook Act for alteration of entries therein. This apart, the petitioner has sought for cancellation of patta of the private individuals without making them as party respondents in the Writ Petition. For all these reasons, the Writ Petition itself cannot be maintained.

3. The petitioner has not approached this Court with clean hands and has rather, abused the process of law by claiming this as a Public Interest Litigation. In view of the same, we are inclined to impose exemplary cost.

4. Accordingly, the Writ Petition stands dismissed with a direction to the petitioner to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the District Siddha Medical Officer, CCRI, Periyakulam (State Bank of India, Periyakulam Branch, Account No.10767823177, IFSC Code : SBIN0000898), within a period of two (2) weeks from the date of receipt of a copy of this order.



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5. Post the matter after two weeks under the caption 'for recording compliance'.

(M.S.R.,J.) (A.D.M.C.,J.)
16.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
- 2.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
- 3.The Revenue Divisional Officer,
Tiruchendur Division,
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