



W.P.(MD)No.2290 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.01.2025

CORAM:

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

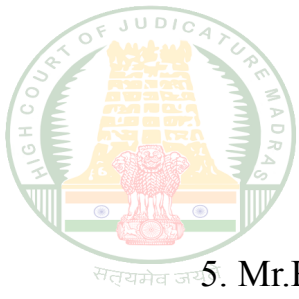
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Mr.S.Kasidurai

... Petitioner

Vs.

1. The Government of Tamil Nadu represented by,
The Principal Secretary to the Government,
Revenue and Disaster Department,
Fort. St.George,
Chennai – 600 009.
2. The District Collector,
Thoothukudi District,
Thoothukudi – 628 101.
3. The District Revenue Officer,
Thoothukudi District,
Thoothukudi.
4. The Revenue Divisional Officer,
Tiruchendur Taluk,
Tiruchendur,
Thoothukudi District – 628 2015.



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5. Mr.K.Kailasakumarasamy,
working as Tahsildar,
Adi Dravidar Welfare Department,
Tiruchendur Taluka, Revenue Divisional Office,
Tiruchendur,
Thoothukudi District – 628 215.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the 1st respondent to consider my representation dated 06.09.2024 and take appropriate departmental disciplinary action against the 5th respondent for violation of rules prescribed in the Tamil Nadu Patta Pass Book Act and the Tamil Nadu Public Servant Act rules and regulations.

For Petitioner : Mr.A.Abul Hassan

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

ORDER

Mr.A.Baskaran, learned Additional Government Pleader takes notice on behalf of the respondents 1 to 4.

2. The writ petition has been filed seeking a mandamus to initiate departmental action as against the 5th respondent for passing orders on 15.11.2023, while Civil Suit in O.S.No.177 of 2021 was pending on the file of the District Munisif Court, Srivaikundam.

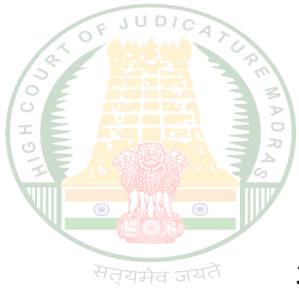


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3. A perusal of the records reveal that the petitioner herein has filed O.S.No.177 of 2021 before the District Munisif Court, Srivaikundam for the relief of permanent injunction. In the said suit, the 5th respondent has been arrayed as the 2nd defendant. He had filed a written statement contending that the suit for permanent injunction is not maintainable when the title to the property is in dispute. Pending the suit, the 5th respondent has issued proceedings on 15.11.2023, wherein, the FMB sketch has been approved by him. Contending that pending suit, the 5th respondent ought not to have granted approval to the FMB sketch, the present writ petition has been filed seeking departmental action as against the 5th respondent.

4. According to the learned counsel for the petitioner, when a civil suit is pending the revenue authorities do not have any power to grant patta or alter the FMB sketch. Hence he prays for initiating the disciplinary proceedings.



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5. A perusal of the order dated 15.11.2023 reveals that the 5th respondent has not transferred patta. He has only approved the FMB sketch and therefore, this order would not come within the purview of Tamil Nadu Pass Book Act. There is no prohibition for the 5th respondent to pass such order. Therefore, the question of initiating any disciplinary action as against the 5th respondent does not arise. In case if the petitioner is aggrieved over the order dated 15.11.2023, it is open to challenge the order in the manner known to law.

6. It is open for the writ petitioner to workout his remedy in the pending civil suit and the learned District Munsiff is directed to dispose of the suit on merits and in accordance with law.

7. The writ petition stands disposed of with the above observations and directions. No costs.

28.01.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm



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R.VIJAYAKUMAR, J.

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