



W.P.(MD)No.26057 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2025

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THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD)No.26057 of 2024

and

W.M.P(MD)No.22091 of 2024

Sivakumar

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Ottanchathiram Taluk,
Palani,
Dindigul District.

3.The Tahsildar,
Ottanchathiram Taluk,
Dindigul District.

4.The Village Administrative Officer,
Koothampoondi Village,
Ottanchathiram Taluk,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents from the agriculture work doing by the petitioner in the properties in S.No.250/1 to an extent of 3



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acres and in S.No.250/2A to an extent of 61 cents respectively situated in Koothampoondi Village, Ottanchathiram Taluk, Dindigul District within the period that may be stipulated by this Court.

For Petitioner : Mr.G.Chezhiyan

For Respondents : Mr.A.Kannan
Additional Government Pleader

ORDER

The writ petition has been filed for Writ of Mandamus, forbearing the respondents from interfering with the agriculture work of the petitioner in the properties in S.No.250/1 and S.No.250/2A to an extent of 3 acres and 61 cents respectively, at Koothampoondi Village, Ottanchathiram Taluk, Dindigul District.

2. The property in S.No.250/1 and S.No.250/2A to an extent of 3 acres and 61 cents respectively, at Koothampoondi Village, Ottanchathiram Taluk, Dindigul District, belonged to the petitioner's grandfather, vide sale deed, 15.07.2004. From the date of purchase, the petitioner's family was in peaceful possession and enjoyment of the property. The petitioner's grandfather was not able to apply for patta due to illiteracy. while so, the petitioner approached the Taluk Office for grant of patta in favour of his grandfather. To his shock and surprise, the petitioner came to know that patta was issued for the subject lands



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in Patta No.506 in favour of the President, Poomithaana Board, Chennai.

Thereafter, the petitioner approached the respondents for cancellation of patta issued in favour of the President, Poomithaana Board, but the respondents did not take any steps to cancel the same. The petitioner therefore approached this Court by filing W.P(MD)No.15970 of 2024 for writ of Mandamus, directing the respondents to cancel the patta in Patta No.506 and consequently, to issue separate patta to the petitioner's grandfather for the subject lands. This Court vide order, dated 18.07.2024, directed the second respondent to dispose of the petitioner's representation and pass orders on merits and in accordance with law, within a period of 12 weeks from the date of receipt of a copy of the order. According to the petitioner, before conducting enquiry, the respondents directed the petitioner to stop agricultural work in the said lands and therefore, the petitioner filed the above writ petition for the aforesaid relief.

3. When the matter was taken up for hearing, the learned Additional Government Pleader for the respondents produced the copy of the order, dated 30.12.2024, passed by the second respondent in pursuance of the order passed by this Court in W.P(MD)No.15970 of 2024, dated 18.07.2024. The learned Additional Government Pleader submitted that as regards the patta for S.No. 250/1 to an extent of 3 Acres, the same was confirmed in favour of the President, Boomithaana Board, Chennai, and as regards the patta for S.No.



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250/2A, to an extent of 0.24.50 Ares, is concerned, transfer of patta in favour of the petitioner was recommended. The learned Additional Government Pleader therefore submitted that if the petitioner is aggrieved by the said order, the petitioner ought to challenge the same and the prayer sought for in the writ petition cannot be countenanced, in the light of the order, dated 30.12.2024.

4. The learned counsel for the petitioner submits that against the order passed by the second respondent on 30.12.2024, the petitioner would file an appeal before the first respondent and therefore prayed that the writ petition may be disposed of with liberty to the petitioner to file an appeal before the first respondent against the order, dated 30.12.2024.

5. Heard both sides and perused the materials available on record.

6. As rightly contended by the learned Additional Government Pleader, and admitted by the learned counsel for the petitioner, the prayer in the writ petition cannot be countenanced in the light of the order passed by the second respondent, dated 30.12.2024. Needless to state that the petitioner is at liberty to challenge the same before the first respondent, in a manner known to law, if so advised.



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7. Accordingly, the writ petition is disposed of with liberty to the petitioner as aforesaid. No costs. Consequently, the connected miscellaneous petition is closed.

08.01.2025

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

To:

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N.MALA, J.

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