

W.P.(MD)No.18826 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2025

CORAM

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.18826 of 2023

and

W.M.P.(MD)Nos.15629, 15630 & 15632 of 2023

T.Elango

: Petitioner

Vs.

- 1.The District Collector,
O/o. the District Collector,
Virudhunagar District.
- 2.The District Revenue Officer,
O/o. the District Revenue Officer,
Collectorate Complex,
Virudhunagar District.
- 3.The Revenue Divisional Officer,
O/o.the Revenue Divisional Officer,
Virudhunagar District.
- 4.The Tahsildar,
O/o.the Tahsildar,
Virudhunagar District.



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5.The Sub Registrar,
O/o.the Sub Registrar,
Sattur,
Virudhunagar District.

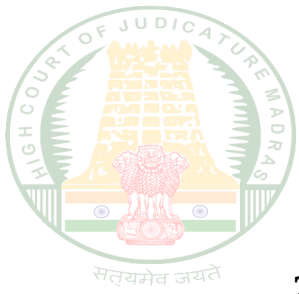
6.S.Narayanan : Respondents

PRAYER: Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus challenging the impugned order of the 2nd respondent in Ne.Mu.No. AA2/10093/2019 dated 13.12.2019 and quash the same and consequently directing the 2nd respondent to issue patta in favour of the petitioner.

For Petitioner : Mr.S.Ramsundarvijayraj
For Respondents 1 to 5 : Mrs.S.Jeyapriya
Government Advocate
For Respondent No.6 : Mr.A.Sivaji

ORDER

The petitioner challenges the order of the second respondent in Ne.Mu.No.AA2/10093/2019, dated 13.12.2019.



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2. Heard the learned Counsel for the petitioner, Mrs.S.Jeyapriya, learned Government Advocate appearing for the respondents 1 to 5 and Mr.A.Sivaji, learned Counsel appearing for the sixth respondent.

3. The main grievance of the writ petitioner is that the second respondent had already passed an order in favour of the writ petitioner on 11.12.2018 in Ni.Mu.A2/25244/2017. Subsequently, the second respondent has no jurisdiction to re-visit his order and pass a fresh order in and by way of the order that has been impugned in the present writ petition dated 13.12.2019.

4. On going through the order impugned in the Writ Petition, I find that the second respondent has not even referred to the earlier order dated 11.12.2018 in the subject and has proceeded to review his own order, which is without jurisdiction and no power to review has been conferred on the second respondent under the provisions of the Patta Pass Book Act. For this reason alone, the impugned order is liable to be set aside.

5. However, learned Counsel for the sixth respondent would bring to my notice that the writ petitioner has already filed a suit in O.S.No.91 of 2020, on the file of the Sub-Court, Virudhunagar, where



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the writ petitioner has sought for a relief of declaration of title in his favour and has also challenged the proceedings of the revenue authorities. He would therefore submit that suppressing all these, the writ petitioner has filed the present Writ Petition.

6.On going through the plaint in O.S.No.91 of 2020, I find that the petitioner seeks for substantive reliefs of declaration of title and also to correct the error that has crept in during the UDR Scheme and also challenged the proceedings which are impugned in the present Writ Petition. Having already approached the competent Civil Court, the petitioner ought not to have approached this Court. Therefore, I am not inclined to issue any positive directions in the Writ Petition. It would suffice to direct the parties to putforth their respective claims and contentions available to them and get appropriate relief in the pending suit in O.S.No.91 of 2020, before the Sub-Court, Virudhunagar.

7.Considering the pendency of the said suit for the past five years, direction is issued to the Sub-Court, Virudhunagar, to dispose of the suit in O.S.No.91 of 2020, within a period not exceeding six [6] months, from the date of receipt of a copy of this order.



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8.Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

04.04.2025

Index :Yes / No
Internet : Yes / No
NCC : Yes/No
MR



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P.B.BALAJI., J.

MR

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