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C.Elango Vs. the District Collector

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Court : Chennai

Decided On : Feb-16-2012

Judge : Vinod K.Sharma, J.

Acts : Tamilnadu Patta Pass Book Act, 1983 - Section 3

Appeal No. : W.P.No.18012 of 2011 And M.P.No.1 of 2011

Appellant : C.Elango

Respondent : The District Collector

Advocate for Def. : Mr.R.Ravichandran A.G.P , Adv.

Advocate for Pet/Ap. : Mr.R. Chandrasekaran, Adv

Judgement :

Writ petition is filed under Article 226 of Constitution of India for the issuance of writ of mandamus forbearing the respondents 4 and 5 their men, servants, agents and subordinates from interfering with peaceful possession and enjoyment of the land situated in Kothur Village, Tirupattur Taluk, Vellore District, to an extent of 11 cents comprised in S.No.279/2 by the petitioner.

ORDER

1. Petitioner has approached this court with a prayer for issuance of writ in the nature of prohibition, restraining the respondents 4 and 5 their men, servants, agents and subordinates from interfering with peaceful possession and enjoyment of the land situated in Kothur Village, Tirupattur Taluk, Vellore District. Subsequently, petitioner has impleaded private respondents 6,7 and 8 to this writ, without amending the pleadings.

2. The contention of the learned counsel is, that the 5th respondent has no right over the property owned by one P.G.Ravi. Therefore, the land alienated by him cannot be interfered by anybody. The submission of the petitioner is that when the petitioner tried to enter the land, he was threatened with dire consequences by 5th respondent, with the help of Police. The petitioner filed complaint with the Deputy Superintendent of Police, Sub Collector, Tirupattur District, stating therein that as per the judgment delivered by the Civil court, petitioner is entitled to deal with the land. After application was filed, report was also called for by the Superintendent of Police.

3. The petitioner has requested for issuance of patta, and on the representation of the petitioner the District Collector is to consider his claim.

4. On the pleading referred to above, the petitioner prays for a writ in the nature of prohibition. The reading of the affidavit shows, that it is civil dispute with regard to the land. It is not understood, how District Collector had issued instructions on the representation of the petitioner, as the entry qua Patta can be made only by moving Statutory application under Section 3 of Tamilnadu Patta Pass Book Act, 1983. The Act itself gives right of appeal and review. The District Collector is not a authority under the Act.

5. As regards the allegations of threat is concerned, the remedy to the petitioner is to file complaint with the Police or learned Magistrate. The averments of the petitioner even if taken on the face value do not make any case for interference in exercise of writ jurisdiction of Article 226 of the Constitution of India.

6. No merits. Dismissed. No costs.

7. Connected miscellaneous petition is closed.

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