

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 17.06.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.17112 of 2015

and

M.P.No.1 of 2015

M.Neelavathy

... Petitioner

Versus

1.The Revenue Divisional Officer
O/o.The Revenue Department
Coimbatore District, Coimbatore.

2.Yugamoorthy

3.Shanmuganathan

4.Jayachandran

5.Senthilnathan

6.Girija Kalingarayar

7.P.Radhikakumar

8.Kamalam

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of certiorari, calling for the entire records connected with the impugned proceedings in Ni.Mu.7982/ 2013/A2 dated 26.5.2015 passed by the 1st respondent and quash the same.

For Petitioner : Mr.S.Sathia Chandran

For Respondents : Mr.R.Vijaya Kumar
Additional Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The subject matter of challenge in this writ petition is the order dated 26.05.2015 passed by the 1st respondent, wherein inclusion of name of respondents 2 to 8, in patta has been ordered.

3. Mr.S.Sathia Chandran, learned counsel appearing for the petitioner would vehemently contend that inspite of pendency of W.P.No.13829 of 2015 on the file of this Court, the 1st respondent has proceeded and passed the impugned order and would further submit that the said official has also assumed the jurisdiction of the Civil Court and gone into the title and hence, prays for interference.

4. Per contra, Mr.Vijayakumar, learned Additional Government Pleader, who accepts notice on behalf of the 1st respondent, would submit that the petitioner is having an effective alternative remedy in the form of an appeal before the District Revenue Officer, Coimbatore and she can avail that remedy.

5. This Court has considered the rival submissions and also perused the materials placed before it.

6. In the impugned order, it has been indicated that the petitioner is having an appeal remedy before the District Revenue Officer, Coimbatore and in the light of the availability of effective alternate remedy, this Court is of the view that the writ petition at this stage is not maintainable.

7. The petitioner is still having time from the date of receipt of a copy of the impugned order, to file an appeal before the District Revenue Officer, Coimbatore and if the petitioner is so advised, she can do so. It is also open to the petitioner to file an application for stay along with the appeal petition before the District Revenue Officer, Coimbatore, who on receipt of the same, shall take up the stay petition first and make every endeavour to dispose of the stay petition, in accordance with law, after putting on notice the respondents 2 to 8 and pass orders within a period of four weeks, from the date of filing of the stay petition.

8. The writ petition is disposed of, accordingly. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ars

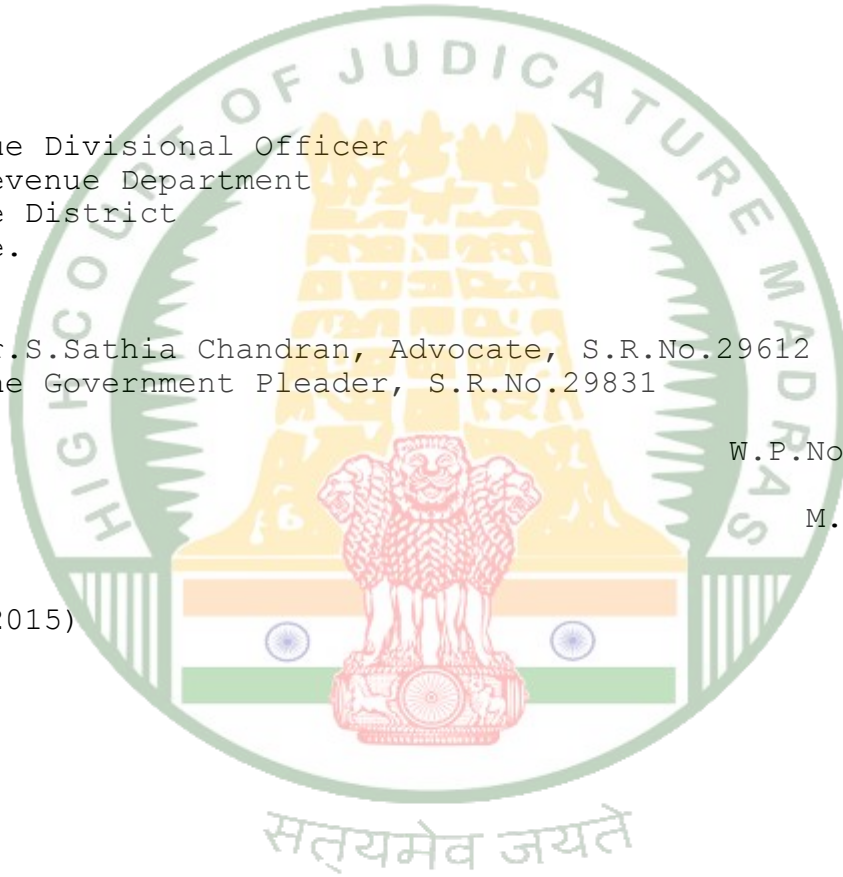
To

The Revenue Divisional Officer
O/o.The Revenue Department
Coimbatore District
Coimbatore.

+1cc to Mr.S.Sathia Chandran, Advocate, S.R.No.29612
+1cc to the Government Pleader, S.R.No.29831

W.P.No.17112 of 2015
and
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RV (CO)
CA(19/06/2015)



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