

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2016

CORAM:

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.30906 of 2016

and

W.M.P.No.26773 of 2016

U. Ethirajan ... Petitioner

Versus

1. The District Collector
Thiruvallur District

2. The Tashildar
Thiruvallur District

3. Kannammal ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus to direct the respondents to dispose of the petitioner's representation dated 22.02.2016 in a time bound manner.

For Petitioner : Mr.R.Karunakaran
For R1 & R2 : Mr.S.V.Durai Solaimalai,
Additional Govt. Pleader

ORDER

The petitioner has filed the present writ petition seeking a direction to the respondents to dispose of the representation given by him on 22.02.2016 within a stipulated time.

2. According to the petitioner, patta was granted in favour of the third respondent based on forged documents by changing the extent of lands and no notice has been given to the petitioner before grant of patta to the third respondent.

3. Now, the grievance of the petitioner is that though he made a representation dated 22.02.2016 before the first respondent seeking to cancel the patta granted in favour of the third respondent, the same is still pending before the first respondent. Hence, the present writ petition has been filed.

4. Learned Additional Government Pleader appearing for the first and second respondents has rightly pointed out that in fact, the petitioner had made an application before the Tahsildar for conducting a fresh enquiry and the Tahsildar has also passed orders on the said application. Hence, this writ petition is not maintainable as there is an alternative remedy available for the petitioner to file an appeal before the Revenue Divisional Officer as against the order of the Tahsildar. Without availing the same, the petitioner has straight away filed the present writ petition seeking for a direction to consider his representation by the first respondent for cancelling the grant of patta.

5. Having regard to the above submission of the learned Additional Government Pleader, the relief sought for by the petitioner cannot be granted. The petitioner is directed to prefer an appeal before the Revenue Divisional Officer as against the order of the Tahsildar. On such appeal being filed, the Revenue Divisional Officer shall consider the same and pass orders on merits and in accordance with law. Accordingly, the present writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst. Registrar.

/true copy/

सत्यमेव जयते

Sub Asst. Registrar.

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To

1. The District Collector,
Thiruvallur District.

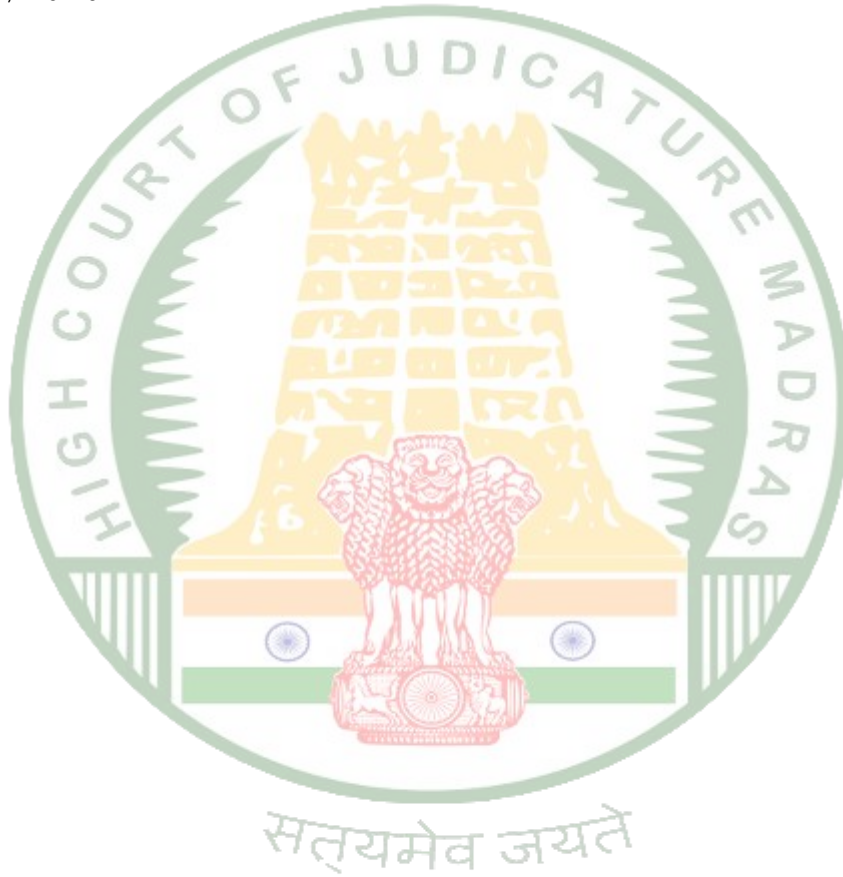
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2. The Tashildar,
Thiruvallur District.

+1 CC to Mr. R. Karunagaran, Advocate Sr.No.50403
+1 CC to Government Pleader, Sr.No.50556

WP No. 30906 of 2016

CA (CO)
MD : 22/10/2016



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