



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2016

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE K.RAVICHANDRABAABU

W.P (MD) No.21787 of 2016

and

W.M.P. (MD) No.15570 of 2016

Rengasamy

.. Petitioner

Vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Pattukottai,
Thanjavur District.

3.The Tahsildar,
Pattukottai taluk,
Thanjavur District.

4.Valarmathi

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the 3rd respondent in Na.Ka/19371/2015 A6 dated 25.11.2015 and quash the same.

For Petitioner : Mr.P.Thirumahilmaran

For Respondents : Mr.C.Selvaraj

Special Government Pleader

For R1 to R3

ORDER

This writ petition is filed against the order of the third respondent made in patta proceedings.

2.The learned counsel appearing for the petitioner contended that when there is a title dispute between the parties, the revenue authorities cannot go into the same and on the other hand, they should not relegate the parties to agitate the matter before the competent civil Court.



3. Needless to say that if there is any title dispute, it is for the appellate authority to find out the same and if he comes to a conclusion that there is a title dispute between the parties, necessarily the parties have to be relegated to the competent civil Court to agitate their respective rights. Needless to say that as against the impugned order, the petitioner has right of appeal before the Revenue Divisional Officer and further revision before the District Revenue Officer. When such statutory remedies are available, filing of the present writ petition challenging the order of the original authority, namely, the third respondent cannot be entertained. Therefore, this Writ Petition is dismissed only on the reason that there is an alternative remedy of appeal is available to the petitioner, without expressing any view on the claim made by the petitioner on merits. The petitioner is given liberty to file such appeal before the concerned Revenue Divisional Officer, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CSII)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Thanjavur District,
Thanjavur.

2. The Revenue Divisional Officer,
Revenue Divisional Office,
Pattukottai,
Thanjavur District.

3. The Tahsildar,
Pattukottai taluk,
Thanjavur District.

+1cc to M/S P. Thirumalimarani, Advocate, SR No 82797
+1cc to Spl. Government Pleader SR No 83529

JAM/04.01.2017/SKN/SAR 1 (J.S) 2P-6C

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