



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2016

Coram:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD)No.22250 of 2016

and

WMP(MD)No.15936 and 15937 of 2016

G.Gopalakrishnan

.. Petitioner

-Vs-

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
District Collector Campus, Madurai-625 020.

2.The Tahsildar,
Tirumangalam Taluk,
Tirumangalam, Madurai District.

3.Dhanasekaran

4.Paulraj

.. Respondents

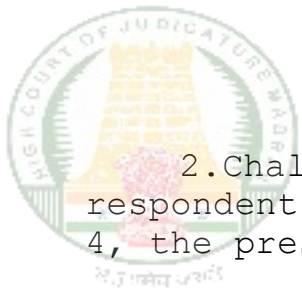
Prayer:- Writ Petition filed under Article 226 of the Constitution of India, for issuance of writ of Certiorarified Mandamus, calling for the records pertaining to the Impugned Order passed by the 2nd Respondent vide his Proceedings in R.T.R.No.6884-10 dated 02.08.2010 and quash the same as illegal and consequently to direct the 2nd Respondent to issue Joint Patta in favour of the Petitioner as well as the 3rd and 4th Respondents.

For Petitioner : Mr.T.Vadivelan

For Respondents : Mr.K.Mahesh Raja (for R1 and R2)
Government Advocate

ORDER

This writ petition has been filed for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the Impugned Order passed by the 2nd Respondent vide his Proceedings in R.T.R.No.6884-10 dated 02.08.2010 and quash the same as illegal and consequently to direct the 2nd Respondent to issue Joint Patta in favour of the Petitioner as well as the 3rd and 4th Respondents.



2.Challenging the order passed by the Tahsildar/second respondent, for issuing patta in favour of the respondents 3 and 4, the present writ petition has been filed.

3.According to the petitioner, earlier the petitioner's father one Ganapathi Mudhaliyar and the father of the respondents 3 and 4 namely, A.K.Somanathan were jointly purchased the property in S.F.No.402/3, for an extent of 0.40.50 Ares at Karadikkal Village, Kokkulam Sub Division, Tirumangalam Taluk, Madurai District. After the death of the original purchasers, the legal heirs namely, the petitioner and the respondents 3 and 4 inherited the property and they are enjoying their separate shares. Now, the respondents 3 and 4, without any notice to the petitioner, change the patta for the entire extent in their favour. Challenging the above order, the present writ petition has been filed.

4.Against, the impugned order has been passed by the second respondent/Tahsildar issuing patta in favour of the respondents 3 and 4. The petitioner has appeal remedy before the first respondent/Revenue Divisional Officer, under Section 12 of the Tamil Nadu Patta Passbook Act and thereafter, a revision is also available under Section 13 of the Tamil Nadu Patta Passbook Act, without availing alternative remedies, the petitioner cannot file the present writ petition.

5.Therefore, the writ petition fails and the same is dismissed. However, a liberty is given to the petitioner to file an appeal before the appropriate appellate authority, namely, the Revenue Divisional Officer against the order of the Tahsildar. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
District Collector Campus, Madurai-625 020.

2.The Tahsildar,
Tirumangalam Taluk,
Tirumangalam, Madurai District.

+1cc to Mr.T.VADIVELAN, Advocate in SR. No.70784

+1cc to Special Government Pleader, Advocate in SR. nO.70896

vsa

Jsi/Pm/Am/2p-5c/27.01.2017

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and

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