



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2016

CORAM:

THE HONOURABLE MR. JUSTICE V. BHARATHIDASAN

Writ Petition (MD) No.20023 of 2013

and

MP (MD) Nos.2 & 3 of 2013

1. Anthonyraj

2. Perumal

... Petitioners

Vs.

1. The District Collector,
Madurai.

2. The Revenue Divisional Officer,
Madurai.

3. The Tahdildar,
Madurai South Taluk,
Madurai District.

4. Amolarpava Matha Church,
thro' its General Procurator,
Sister Arokiya Mary
No.20, Old Kuyavar Palayam Road,
Madurai-9.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating with the order of the 2nd respondent made in Ni.Mu.5423/10/N dt. 18.12.2012 as arbitrary and illegal and in consequence to retain or restore the patta no.514 and 639 in the name of the petitioners respectively to their land measuring 1 acre 38 cents in R.S.No.45/5A2 and measuring 60 cents in R.S.No.45/5B in Melamathur village in Madurai District

For Petitioner

: Mr.R.Surianarayanan

For Respondent

: Mr.N.S.Karthikeyan

Addl. Govt. Pleader for RR-1 to 3

Mr.D.Nallathambi for R-4

ORDER

The petitioner challenges the order passed by the second respondent/Revenue Divisional Officer and consequently seeks a direction to restore the patta nos.514 and 639 in the name of the petitioners respectively to their land measuring 1 acre 38 cents in R.S.No.45/5A2 and measuring 60 cents in R.S.No.45/5B in Melamathur village in Madurai District.

2. Heard both sides and perused the records carefully.



3. On perusal of the records, this Court is of the prima facie view that there is an alternative remedy of filing revision, provided under Section 13 of the Patta Passbook Act. But without availing the said alternative remedy, the petitioners have filed the present writ petition.

4. In view of the above, this writ petition is dismissed, however, with liberty to the petitioners to file a revision before the Revenue Divisional Officer. On such filing of revision, the revisional authority shall entertain the same, taking into consideration of the pendency of writ petition before this Court. The petitioner is also granted liberty to raise all the points before the revisional authority. No costs. Consequently connected M.P.(MD).Nos.2 and 3 of 2013 is also dismissed.

Sd/
Assistant Registrar(CS-I)

/TRUE COPY/

Sub Assistant Registrar

To

1. The District Collector,
Madurai.

2. The Revenue Divisional Officer,
Madurai.

3. The Tahdildar,
Madurai South Taluk,
Madurai District.

+1cc to M/S.D.Nallathambi, Advocate in SR.No.55904

W.P(MD)No.20023 of 2013
and
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VS

PA/SK-SKN/14.10.2016/2P/5C