

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P. No. 6416 of 2017

P. Singaravelu ..Petitioner

Vs.

1. The District Collector,
Salem.
2. The Thasildar,
Pethanayakanpalayam Post,
Salem District. ..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent's Order in File No. 2016/0103/08/024338 dated 22.09.2016 and quash the same as illegal and direct the 2nd respondent to transfer patta in favour of the petitioner and other legal heirs.

For Petitioner :: Mr.S. Muthukrishnan

For Respondents :: Mr.R.S. Selvam,
Govt. Advocate

O R D E R

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

2. The petitioner submitted an online application dated 25.07.2016 to the 2nd respondent praying for patta transfer in respect of lands in S.F. Nos. 326/7 and 326/10 situated at Pethanayakampalayam Village, Salem Taluk and District and it was rejected by the 2nd respondent vide communication dated 22.09.2016 and challenging the legality of the same, came forward to file the present writ petition.

3. Learned counsel for the petitioner would submit that the impugned order passed by the 2nd respondent is bereft of reasons and particulars and therefore, prays for appropriate orders.

4. Per contra, Mr.R.S. Selvam, learned Government Advocate, who accepts notice on behalf of the respondents, would submit that in the light of the availability of effective alternate remedy, in the form of appeal to the Revenue Divisional Officer, Salem, the writ petition is not maintainable.

5. This Court considered the rival submissions and also perused the typed set of documents.

6. In the light of availability of effective alternate remedy, in the form of appeal to the Revenue Divisional Officer, Salem, this Court is of the view that the writ petition is not maintainable and the same is dismissed.

7. However, the petitioner is at liberty to file an appeal to the Revenue Divisional Officer, Salem, as against the order dated 22.09.2016 passed by the 2nd respondent, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the said appeal, the Appellate Authority, without going into the question of limitation, shall entertain the appeal, if it is otherwise in order and after putting on notice, the persons concerned, pass orders on the same, on merits and in accordance with law, within a period of ten weeks thereafter and communicate the decision taken to the petitioner as well as to persons concerned. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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To

1. The District Collector,
Salem.
2. The Thasildar,
Pethanayakanpalayam Post,
Salem District.
- 3.The Revenue Divisional Officer,Salem

+1cc to Mr.S.Muthukumar,Advocate sr.16409

+1cc to Government Pleader sr.16728

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