

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2017

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THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.19853 of 2013 and
M.P.Nos.1 and 2 of 2013

Chattramal Baid

.. Petitioner

..vs..

1. The District Revenue Officer,
Tiruvallur District,
Tiruvallur.

2. The Revenue Divisional Officer,
Ambattur,
Chennai.

3. The Tahsildar,
Ambattur Taluk,
Ambattur, Chennai.

.. Respondents

Writ Petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records of the 2nd respondent in proceedings Na.Ka.No.1373/2013/A5 dated 06.06.2013, quash the same.

For Petitioner : Mr.R.Saravanakumar

For Respondents : Mr.S.Diwakar,
Special Government Pleader

ORDER

The petitioner has filed the present writ petition, challenging the order passed by the 2nd respondent in Proceedings Na.Ka.No.1373/2013/A5 dated 06.06.2013 by cancelling the wrong entry made in the patta in Survey No.242/2 to an extent of 0.59.0 hectares of land.

2. According to the petitioner, a patta was granted in favour of the petitioner in S.No.242/2 by the Tahsildar, Ambattur Taluk, Ambattur, the 3rd respondent herein. Subsequently, by the impugned proceedings dated 06.06.2013, the 2nd respondent, namely, the Revenue Divisional Officer, Ambattur, Chennai, cancelled the patta granted in respect of Survey No.242/2 as per the proceedings No.8A/1095/1422 dated 05.09.2013 granted in favour of the petitioner. Aggrieved by the said impugned order, the petitioner is before this Court with this Writ Petition.

3. The learned Special Government Pleader appearing for the respondents would submit that there is no interim order granted by this Court at the time of admission. If at all, the petitioner is aggrieved by the impugned order passed by the 2nd respondent, the petitioner can very well avail the appeal remedy before the competent authority. Hence, the writ petition is not maintainable before this Court.

4. After considering the submission made by the counsel for the parties, this Court is of the view that against the impugned order passed by the 2nd respondent cancelling the patta in respect of S.No.242/2, the petitioner can file an appeal before the competent authority, namely, the District Revenue Officer. But, without resorting to the said remedy, the petitioner has filed the present writ petition before this Court cannot be entertained.

5. With the above observation, the writ petition is dismissed. However, liberty is given to the petitioner to file an appeal before the District Revenue Officer, Tiruvallur, within a period of two weeks from the date of receipt of a copy of this order, if so advised. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

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To

1. The District Revenue Officer,
Tiruvallur District,
Tiruvallur.

2. The Revenue Divisional Officer,
Ambattur,
Chennai.

3. The Tahsildar,
Ambattur Taluk,
Ambattur, Chennai.

+1cc to Mr.R.Saravanakumar, Advocate sr.453

+1cc to The Government Pleader sr.437

W.P.No.19853 of 2013