



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRA BAABU

W.P (MD) No.12086 of 2016

and W.M.P. (MD) .NO.10917 of 2016

Duraisamy

..Petitioner

vs.

1. The Revenue Divisional Officer,
Kulithalai.

2. The Tahsildar,
Taluk Office, Kulithalai Taluk,
Karur District.

3. Alagar

4. Maruthai

5. Veerappan

..Respondents

(R3 to R5 are impleaded vide order dated
10.01.2017 in W.M.P. (MD) No.10197 of 2016).

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Certiorarified Mandamus to call for the records pertaining to Omu/RTR/2016/0105/14/00819 dated 08.03.2016 passed by the 2nd respondent and quash the same and consequently direct the 2nd respondent to issue separate patta after sub dividing the petitioner property situated in Survey No.227/03.

For Petitioner : Mr. R.Murugappan

For R1 & R2 : Mr.C.Selvaraj

Special Government Pleader

For R3 to R5 : Mr.V.Karuna

O R D E R

This writ petition is filed challenging the order of the Tahsildar dated 08.03.2016 wherein and whereby the request of the petitioner for grant of separate patta was rejected by stating some reasons therein.

2. Heard the learned counsel for the petitioner and learned Additional Government Pleader appearing for the respondents 1 and 2 and perused the materials placed on records.

3. Needless to say that as against the order passed by the second respondent-the Tahsildar, the petitioner has to appeal against the order of the first respondent by way of filing an appeal. Without doing so, the petitioner has filed the present writ petition and challenged the order of the second respondent.



4. Therefore, this Court is of the view that this writ petition cannot be entertained as the petitioner is having an alternative remedy of filing an appeal before the first respondent, who in turn, has to go into the merits of the matter and pass appropriate order on merits and in accordance with law.

5. Accordingly, this writ petition is disposed of with liberty to the petitioner to file an appeal before the first respondent within a period of four weeks from the date of receipt of copy of this order. If any such appeal is filed, the same shall be disposed of by the first respondent on its own merits and in accordance with law after giving due opportunity to the petitioner, the respondents 3 to 5 herein, who got impleaded today and also other interested parties, if any. No costs.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To,

1. The Revenue Divisional Officer, Kulithalai.
2. The Tahsildar, Taluk Office, Kulithalai Taluk, Karur District.

+1cc to M/s.R.Murugappan, Advocate in SR.1918
+1cc to M/s.V.Karuna, Advocate in SR.1911
+1cc to the Special Government Pleader, in SR.2173

W.P(MD)No.12086 of 2016
10.01.2017

cm.

PBK/SS-2/KSM 25/01/2017 ::2P-6C: