

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2018

CORAM

THE HON'BLE Mr. JUSTICE SUBRAMONIUM PRASAD

W.P.No.18474 of 2009

and

M.P.Nos.1 of 2009 and 1 of 2010

Munusamy

... Petitioner

Vs.

1. The District Revenue Officer,
Vellore District, Vellore.

2. The Tahsildar,
Walajah, Vellore District.

3. Chinnasamy Reddy

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 3rd respondent to assign the land Kondamanaidu palayam S.No.28/6 36 cents in favour of the petitioner based on the recommendation of 1st respondent and on the basis of findings regarding the possession in S.A.No.859 of 2007 and direct the 3rd respondent to grant the patta in favour of the petitioner.

For Petitioner : Ms.R.T.Sundari

For Respondents: Mr.M.Sricharan Rangarajan

Addl. Government Pleader for R1 &R2

No Appearance for R3

O R D E R

The petitioner claims that he is enjoying the property of about 36 cents in S.No.28/6 in Kondamanaidupalayam Village. It is alleged by her that the 3rd respondent without being in possession has got the patta transferred to his name which was objected by the petitioner. On appeal, the District Revenue Officer directed the Thasildhar to grant the patta in the name of the petitioner. The petitioner filed a suit in O.S.No.146 of 1996 for the relief of injunction. The 3rd respondent filed a suit for declaration of title and injunction in O.S.No.83/1997, which was dismissed before the District Munsif Court. The suit of the petitioner was also dismissed.

2. The appeal filed by the petitioner against the dismissal of his suit in O.S.No.146/1996 also resulted in a

failure. The petitioner challenged the order by filing a Second appeal in S.A.No.859/2007. The appeal was allowed, holding that the petitioner is in possession of the property. The petitioner gave a representation on 30.06.2008 to the Thasildhar for transfer of patta, which was not considered. Hence, this writ petition has been filed.

3. Heard counsel for the parties.

4. Any person who seeks for a modification of a entry in the patta pass book has to move an application with the Thasildhar. The Thasildhar conducts an enquiry under Section 11 and passes necessary orders. The orders of the Thasildhar are subject to a appeal before a prescribed authority and his order, is subject to revision before the District Revenue Officer. When there is an alternative remedy available for modification of the entries in patta pass book, it is not appropriate for the petitioner to invoke proceedings under Article 226 of the Constitution of India for a direction to the Thasildhar to modify the entries in the patta pass book. The petitioner if so advised may take appropriate proceedings before the Thasildhar for modification of the entries in the patta pass book. The writ petition is not maintainable in view of the alternative remedy available to him.

5. Accordingly, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The District Revenue Officer,
Vellore District, Vellore.

2. The Tahsildar,
Walajah, Vellore District.

+1cc to Government Pleader SR.NO.62944

+1cc to M/s.R.Margabandhu, Advocate SR.NO.63126

PVS (CO)

sm:17.10.2018

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