



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P (MD) No.4724 of 2018

and

WMP(MD)No.4764 of 2018

Nirmala

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Karur Division, Karur.

2.Kandasamy

... Respondents

Petition filed under Article 226 Constitution of India to issue a Writ of Certiorari calling for the records comprised in the impugned order of the first respondent in Na.Ka.A2/1542/2016 dated 12/02/2018 and quash the same as being arbitrary, illegal and ultra vires of the provisions of the Tamil Nadu Patta Pass Book Act, 1983.

For Petitioner : Mr.K.Prabhakar

For R1 : Mr.Aayiram K.Selvakumar
Additional Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the first respondent in the appeal filed by the second respondent, against the order granting patta in favour of the petitioner.

2.According to the petitioner, earlier, a patta has been granted in favour of the petitioner in respect of Survey No.289/2'02' measuring to an extent of 0.08.5 ares, by the proceedings dated 13.10.2003. Subsequently, the second respondent has filed an application before the first respondent seeking to cancel the patta, granted in favour of the petitioner. Based on the above said application, the second respondent has passed the impugned order, cancelling the patta granted in favour of the petitioner and directed the authorities concerned to issue patta in favour of the second respondent. Aggrieved by the said order, this writ petition has been filed.

per section 14 of the Patta Passbook Act, 1983 and only filed a petition before the first respondent to cancel the patta granted in favour of the petitioner, based on which, without conducting proper enquiry, the impugned order has been passed.

4.I have carefully considered the submissions made by the learned counsel appearing for the petitioner and perused the entire materials carefully.

5.Admittedly, against the order passed in the appeal filed by the second respondent, a revision lies before the District Revenue Officer, and the petitioner, without availing the alternative remedy, has filed the present writ petition. When an alternative remedy is available by way of revision, this Court cannot entertain this writ petition. Therefore, this writ petition is dismissed. However, liberty is given to the petitioner to file a revision before the District Revenue Officer within a period of two weeks from the date of receipt of a copy of this order. Till the petitioner files revision, the authorities are directed not to carry out any mutation in the revenue records in respect of the property in question. No costs. Consequently, WMP(MD)No.4764 of 2018 is closed. Registry is directed to return the original order passed by the first respondent to the petitioner.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

The Revenue Divisional Officer,
Karur Division, Karur.

+One cc to Mr.K.Prabhakar, Advocate, SR.No.53498

mj

RL/3C/2P/KK/SAR1/23/3/2018

W.P (MD)No.4724 of 2018

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