



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:01.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.22296 of 2018

and

W.M.P. (MD) No.20209 of 2018

S.Ramaiah

... Petitioner

vs.

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Tirunelveli,
Tirunelveli District.

2.The Tahsildar,
Taluk Office,
Palayamkottai,
Tirunelveli District.

3.H.Ummul Hairy Salma Beevi

4.H.Ummul Hairy Salma Beevi
through her Power of Attorney
I.Ismail

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Mandamus certiorari to call for the records in pursuance of the impugned order in Ni.Mu.A3/5311/2018 (Appeal No.27/2017) on the file of the first respondent dated 05.09.2018 and quash the same as devoid on merits.

For Petitioner : Mr.S.Selvakumar

For Respondents : Mr.A.Muthukaruppan

Additional Government Pleader
for R.1 and R.2

ORDER

What is challenged in the writ petition is the order passed by the first respondent - Revenue Divisional Officer, Tirunelveli, Tirunelveli District in appeal No.27 of 2017, dated 05.09.2018.

2. This Court has time and again held that when an alternative remedy is available under the relevant statute, the same has to be exhausted before knocking the door of this Court by invoking its extraordinary jurisdiction under Article 226 of the Constitution of India.



3. The learned Counsel appearing for the petitioner would submit that the principles of natural justice has been violated, since no notice was issued by the first respondent and would contend that the civil suit is pending between the parties. According to him, this Court has held that the revenue authority cannot decide the title dispute when the civil case is pending.

4. This Court, while appreciating the arguments advanced on behalf of the petitioner, is still of the view that these contentions can be raised before the appellate authority and on such contention is being raised, the appellate authority has power to consider such contentions and pass appropriate orders on the basis of the contentions made on behalf of the petitioner. However, this Court cannot directly entertain any order passed by the Revenue Divisional Officer without exhausting the effective appeal remedy before the District Revenue Officer.

5. In the above said circumstances, the Writ Petition stands dismissed as not maintainable. No costs. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS-IV)

To

1. The Revenue Divisional Officer,
Revenue Divisional Office,
Tirunelveli,
Tirunelveli District.

2. The Tahsildar,
Taluk Office,
Palayamkottai,
Tirunelveli District.

+ 1 CC TO MR.S.SELVAKUMAR, ADVOCATE IN SR NO.93753
+ 1 CC TO SPECIAL GOVERNMENT PLEADER, IN SR NO.94256

SSL

BU/SKN/SAR-IV:19.11.2018 : 2P/5C