



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.(MD) No.18849 of 2018

M.Chandrasekaran

... Petitioner

vs.

1.The District Collector

O/o.The District Collector

Tiruchirappalli

2.The District Revenue Officer

Tiruchirappalli, Tiruchirappalli District

3.The Revenue Divisional Officer

O/o.The Revenue Divisional Officer

Musiri, Tiruchirappalli District

4.The Tahsildar

O/o.The Tahsildar

Thuraiyur, Tiruchirappalli District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus to call for the records pertaining to the impugned order passed by the fourth respondent vide x.K.m1/4266/2018 dated 11.06.2018 and quash the same and consequently direct the respondents to issue patta in the name of Arulmigu Sri Periyandavar Temple in respect of the land in Survey No.126/18 situated at Pachaperumalpatti Village, Thuraiyur Taluk, Tiruchirappalli District.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For Respondents : Mr.M.Jeyakumar

Additional Government Pleader

O R D E R

The present writ petition has been filed challenging the order passed by the Tahsildar / fourth respondent, dated 11.06.2018, refusing to issue Patta to the petitioner.

2. Admittedly, as against the order passed by the fourth respondent, an appeal would lie before the third respondent. When a statute provides for an effective alternative remedy, the same has to be exhausted before invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. In fact, from the relevant provisions of the statute, appeal would lie before the third respondent and further appeal would lie before the second respondent in the form of revision. When such is the case, this Court does not appreciate as to how the petitioner can approach this Court without exhausting the other appeal and revisional remedies available under the relevant statute.



3. At this juncture, the learned counsel for the petitioner attempted to impress upon this Court that no opportunity was given to the petitioner, while the impugned order was passed by the fourth respondent. This Court is of the view that even such a contention can be put forth before the third respondent in the appeal and in case, the said contention is supported by the materials, the same may be considered by the Appellate Authority.

4. With the above observations, the writ petition stands dismissed. No costs.

Sd/

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar (CS-II)

To:

- 1.The District Collector,
O/o.The District Collector,
Tiruchirappalli.
- 2.The District Revenue Officer,
Tiruchirappalli,
Tiruchirappalli District.
- 3.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Musiri, Tiruchirappalli District.
- 4.The Tahsildar,
O/o.The Tahsildar,
Thuraiyur,
Tiruchirappalli District.

+1cc to Mr.D.Shanmugaraja Sethupathi, Advocate, SR.No.81044

+1cc to M/s.Special Government Pleader,SR.No. 81493

W.P. (MD) No.18849 of 2018
30.08.2018

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