



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.(MD) No.20761 of 2018 and
W.M.P.(MD) No.18517 & 18518 of 2018

1.Mothilal Nehru
2.Krishnan

... Petitioners

vs.

1. The Special Sub Collector
Revenue, Trichy

2. The Thasildar, Revenue,
Manmangalam,
Karur District

3. The Head Quarters Deputy Thasildar
Karur, Karur District

4. The Inspector of Police
Town Police Station
Karur, Karur District

5. Selvaraj

... 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 relating to the impugned order in Na.Ka.A2/1977/2018 dated 31.08.2018 issued by the 2nd respondent quash the same as illegal and consequently direct the 2nd respondent to make entries of name of the petitioner in the cultivating tenancy register maintained by the 2nd and 3rd respondents as per the order of the 1st respondent in P.No.265/62 dated 25.08.1962.

For Petitioners: Mr.I.Velpradeep

For Respondents: Mr.S.Angappan

Government Advocate (Civil Side) for R1 to R4

O R D E R

The order dated 31.08.2018, which is put to challenge in this writ petition, itself directed the petitioners to approach the first respondent, in case the petitioners are aggrieved. Instead



of filing appeal before the appropriate Authority, the petitioners have chosen to approach this Court directly by invoking its extraordinary jurisdiction under Article 226 of the Constitution of India.

2. This Court time and again has held that when a statutory remedy is available by way of appeal, the same has to be exhausted before knocking at the doors of this Court and invoking its special jurisdiction.

3. According to the learned counsel for the petitioners, the Authority, who passed the impugned order, does not have the jurisdiction. In any case, it is always open to the petitioners to point out the said defect before the Appellate Authority and the same shall be considered by the Appellate Authority. It is further open to the petitioners to raise all their contentions before the Appellate Authority, if they are so advised.

4. In view of the above, the writ petition is found to be not maintainable and the same is, therefore, dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-IV)

To:

1. The Special Sub Collector,
Revenue, Trichy.
2. The Thasildar,
Revenue, Manmangalam,
Karur District.
3. The Head Quarters Deputy Thasildar,
Karur, Karur District.
4. The Inspector of Police,
Town Police Station,
Karur, Karur District.

+ 1 CC TO Mr.I.VELPRADEEP, ADVOCATE IN SR No. 89017
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 88512

KRK

TE/SV/SAR-4 : 26/10/2018 : 2P/7C

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