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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2019

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.36124 of 2005

and

W.P.M.P.No.38978 of 2005

G.Devarajan

..Petitioner

Vs

1.The Revenue Divisional Officer,
Chengalpattu Taluk,
Chengalpattu District.

2.The Tahsildar,
Chengalpattu Taluk,
Chengalpattu District.

3.The Head Surveyor,
Chengalpattu Taluk,
Chengalpattu District.

4.G.Duraibabu

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking issuance of a writ of certiorarified mandamus, to call for the records of the impugned order passed by the 1st respondent viz., Revenue Divisional Officer, Chengalpattu in N.K.No.3433/05/Aa, dated 16.09.2005 and quash the same and direct the respondents 1 and 2 to restore the sub-division effected on 16.06.2003, by the Tahsildar, Chengalpattu.

For Petitioner : Mr.R.Neelakandan

For Respondents : Mr.B.Anand

Government Advocate for R1 to R3

Mr.S.Vijayakumar for R4

O R D E R

Heard Mr.R.Neelakandan, learned counsel for the petitioner, Mr.B.Anand, learned Government Advocate for the respondents 1 to 3 and Mr.S.Vijayakumar, learned counsel for the fourth respondent and perused the materials available on record.



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2. This writ petition has been filed to quash the impugned order dated 16.09.2005 passed by the first respondent in N.K.No.3433/05/Aa and consequently direct the respondents 1 and 2 to restore the sub-division effected on 16.06.2003 by the Tahsildar, Chengalpattu.

3. The writ petitioner and the fourth respondent are brothers. The property in dispute was partitioned by a registered partition dated 29.11.1999 and thereafter, the property in S.No.129/2A was sub-divided as Survey Nos.129/2A1 and 129/2A2. It seems that the second respondent has sub-divided the property and issued separate patta in favour of the writ petitioner and the fourth respondent.

4. However, on the application filed by the fourth respondent, the first respondent cancelled the said sub-division and directed the Tahsildar to issue a joint patta in favour of the petitioner and the fourth respondent as per the Patta Pass Book Act. As against the order of the first respondent - Revenue Divisional Officer, a revision lies before the District Revenue Officer. However, the petitioner without availing the effective alternative remedy has filed the present writ petition. Hence, on the sole ground, the writ petition is disposed of, directing the petitioner to prefer a revision before the concerned District Revenue Officer, within a period of four weeks from the date of receipt of a copy of this order. If the revision is filed in time, the District Revenue Officer shall dispose of the same on merits and in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Registry is directed to return the original impugned order dated 16.09.2005.

Sd/-

Assistant Registrar(insp cell)

//True Copy//

Sub Assistant Registrar

ms

To

1.The Revenue Divisional Officer,
Chengalpattu Taluk,
Chengalpattu District.

2.The Tahsildar,
Chengalpattu Taluk,
Chengalpattu District.



3.The Head Surveyor,
Chengalpattu Taluk,
Chengalpattu District.

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Copy to
The Section Officer,
ER Section,
High Court, Madras

+1cc to Mr.S.Vijayakumar , Advocate SR.No. 58017
+1 cc to Government Pleader Sr.No. 58568

W.P.No.36124 of 2005
and
W.P.M.P.No.38978 of 2005

rgn (CO)
A.SK(21/08/2019)