



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.23914 of 2014 and  
M.P.Nos.1 and 2 of 2014

Sri Prathyangira Ashram Trust  
rep. by its President/Founder Trustee-  
Sri Prathyangira Swamy,  
School Road, Abarajithapuri,  
Sholinganallur, Chennai-119.

.. Petitioner

-vs-

1.The Thasildar Solinganallur,  
Solinganallur Taluk,  
Kancheepuram District.

2.The Revenue Divisional Officer,  
Office of the Revenue Divisional Officer,  
Tambaram, Kancheepuram District.

3.The Collector,  
Kancheepuram District,  
Office of the Collector,  
Kancheepuram District.

4.K.M.Venugopal

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certioarified Mandamus, calling for the records of the 2<sup>nd</sup> respondent in Pa.Mu.No.781/2014 A dated 31.07.2014 in cancelling the patta issued by the 1<sup>st</sup> respondent in Proceedings bearing Na.Ka.No.10776/2013 dated 11.10.2013 in terms of Patta No.5634 and quash the same and thereon forbear the 4<sup>th</sup> respondent from in any manner interfering with the peaceful possession and enjoyment of the property being all that piece and parcel of land comprised in Survey No.281/6B1 land of an extent of 4.00 ares and lands comprised in Survey No.281/6B2 land of an extent of 0.50 ares situated in Shollinganallur-1 Village, Shollinganallur Taluk, Kancheepuram District.



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For Petitioner : Mr.A.Palaniappan  
For Respondents : Mr.V.Shanmuga Sundar,  
Spl.Govt.Pleader for R1 to 3  
Mr.T.Murugamanickam  
for M/s.G.Ravi Shankar,  
Senior Counsel for R4

ORDER

Questioning the correctness of the impugned order passed by the Revenue Divisional Officer, Tambaram, Kancheepuram District, the 2<sup>nd</sup> respondent herein in cancelling the patta issued by the 1<sup>st</sup> respondent in Proceedings dated 11.10.2013 in terms of Patta No.5634, to quash the same and further, forbearing the 4<sup>th</sup> respondent from in any manner interfering with the peaceful possession and enjoyment of the property being all that piece and parcel of land comprised in Survey No.281/6B1 land of an extent of 4.00 ares and lands comprised in Survey No.281/6B2 land of an extent of 0.50 ares situated in Shollinganallur-1 Village, Shollinganallur Taluk, Kancheepuram District, this petition has been filed.

2. Learned Counsel appearing for the petitioner arguing the case by raising various grounds inter alia submitted that the impugned order is passed with malafide intention without any authority.

3. Learned Special Government Pleader appearing for the respondents 1 to 3 raising serious objection on the maintainability of the Writ Petition submitted that when the impugned order passed by the Revenue Divisional Officer, Tambaram has been seized by the District Revenue Officer, Chennai in the revisional jurisdiction, the correctness of the said order could be canvassed by the petitioner only before the District Revenue Officer, Chennai.

4. In reply, the learned Counsel for the petitioner stated that the District Revenue Officer has no authority in law.

5. However, the learned Special Government Pleader for the respondents 1 to 3 submitted that the District Revenue Officer, Chennai will issue notice to the petitioner and the 4<sup>th</sup> respondent and on receipt of the said notice, the petitioner can also file his objections and other supporting documents. Thereafter, the matter would be considered on merits and as per law and accordingly it would be disposed of.

6. At this stage, the learned Counsel for the petitioner sought for 3 months time which has been objected by the learned Counsel for the 4<sup>th</sup> respondent.



7. The learned Special Government Pleader appearing for the respondents 1 to 3 stated that within two months time, the matter could be disposed of.

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8. Therefore, when the learned Special Government Pleader states that the matter could be disposed of within two months from the date of issuance of notice to the parties concerned, this Court finds it difficult to entertain the Writ Petition as the same impugned order has become the subject matter of revision before the District Revenue Officer, Chennai. Hence taking into account that as per Section 13 of the Patta Pass Book Act, 1983, the parties are having effective alternative statutory remedy, this Court is of the view that the invocation of the writ jurisdiction of this Court under Article 226 of the Constitution of India is barred.

9. In view of the above, the Writ Petition is dismissed, with a direction to the District Revenue Officer, Chennai to issue notice to the petitioner and the 4<sup>th</sup> respondent and after receipt of their objections, the same shall be disposed of on merits within a period of two months from the date of issuance of notice. The District Revenue Officer is directed to hear the parties or their Counsel while disposing of the case. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-IV)

//True copy//

Sub Assistant Registrar

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To

- 1.The Thasildar Solinganallur,  
Solinganallur Taluk,  
Kancheepuram District.
- 2.The Revenue Divisional Officer,  
Office of the Revenue Divisional Officer,  
Tambaram, Kancheepuram District.
- 3.The Collector,  
Kancheepuram District,  
Office of the Collector,  
Kancheepuram District.



+1cc to Mr.A.Palaniappan, Advocate SR.No.100117

+1cc to Mr.G.Ravi Shankar, Advocate SR.No.99823

+1cc to Government Pleader SR.No.100734

W.P. No.23914 of 2014

PP (CO)  
GMY (27/12/2019)