



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.10017 of 2019

and

W.M.P. (MD) Nos.7809 & 7810 of 2019

1) Durairaj

2) Krishnan

... Petitioners

vs.

1) The Collector,
Virudhunagar District,
Virudhunagar.

2) The District Revenue Officer,
Virudhunagar District,
Virudhunagar.

3) The Revenue Divisional Officer,
Virudhunagar District,
Virudhunagar.

4) The Zonal Deputy Tahsildar,
Aruppukottai,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the Impugned Notices issued by the 4th respondent in his proceedings in Nos.2018/0103/26/042404, 2018/0103/ 26/042497, 2018/0103/26/042491 and 2018/0103/26/042488 dated 22.02.2019 and quash the same and consequently direct the 4th respondent to issue Joint Patta in favour of the petitioners for the property comprising in Survey Nos.60/8, 62/10, 62/6, 61/2, 61/3, 50/7, 50/8 and 57/5 situated at Kallorani Village, Aruppukottai Taluk, Virudhunagar District within the time frame as may be stipulated by this Court.

For Petitioner : Mr.L.Prabhu

For Respondents: Mr.V.Kannidevan,

Additional Government Pleader

O R D E R

The prayer sought for in this writ petition is to quash the order passed by the respondent Tahsildhar with regard to the grant of patta to the petitioner's land.



2. It is a settled position that, when there is an alternative efficacious appeal remedy under the Statute is available, the litigant must exhaust the remedy and then only approach this Court by invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

3. Here in the case in hand, the impugned order is passed by the Tahsildhar, against which, statutory appeal is provided under section 12 of the Tamil Nadu Patta Pass Book Act, 1983 and even if the Appellate Authority (i.e.) the Revenue Divisional Officer passes an adverse order, against which, further appeal can be filed before the District Revenue Officer, as against which, revision could lie before the Commissioner for Revenue Administration, Government of Tamil Nadu.

4. When hierarchy of Appellate Authorities are available under the Act and appeal remedies are available, without exhausting the same straight away the petitioner cannot approach this Court under Article 226 of the Constitution of India seeking for a Writ of Certiorari. As this move on the part of the petitioner if accepted, it would run contra to the settled legal position and in that view of the matter, this Court is inclined to pass the following order:-

"this writ petition is dismissed with liberty to the petitioner to approach the appellate authority, namely, the Revenue Divisional Officer concerned, as against the impugned order passed by the Tahsildhar and if such appeal is filed, the same shall be entertained without raising any question regarding delay and the same shall be decided as early as possible, preferably, within a period of three months from the date of receipt of the appeal."

With this direction and observation, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

Sts

To

1) The Collector,
Virudhunagar District,
Virudhunagar.



2) The District Revenue Officer,
Virudhunagar District,
Virudhunagar.

3) The Revenue Divisional Officer,
Virudhunagar District,
Virudhunagar.

4) The Zonal Deputy Tahsildar,
Aruppukottai,
Virudhunagar District.

+1cc to Mr.L.Prabhu, Advocate in SR.68193

+1cc to the Special Government Pleader in SR.68787

Order made in
W.P. (MD) No.10017 of 2019

Dated:
12.06.2019

PBK(17.07.2019) 3P 7C