



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: 13.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR  
W.P. (MD) .No.13284 of 2019

and

W.M.P. (MD) Nos.9886 and 9887 of 2019

Rukmani

... Petitioner

-Vs-

1.The Surveyor,  
Thirumangalam Taluk,  
Madurai District.

2.The Tahsildar,  
Thirumangalam Taluk,  
Madurai District.

3.R.Vanaraja

... Respondents

**Prayer:** Writ Petition is filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating Nil dated patta in Survey No.18/2A8, Thumpakkulam Village, Thirumangalam Taluk, Madurai District issued by the second respondent and quash the same and consequently, direct the second respondent to make a fresh enquiry by proper notice to all parties.

For Petitioner : Mr.M.S.Sureshkumar  
For R1 and R2 : Mr.C.M.Mari Chelliah Prabhu,  
Additional Government Pleader.

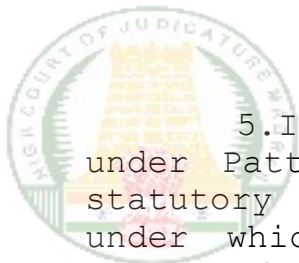
### ORDER

The prayer sought for in this Writ Petition is for a Writ of Certiorarified Mandamus, to call for the records relating Nil dated patta in Survey No.18/2A8, Thumpakkulam Village, Thirumangalam Taluk, Madurai District issued by the second respondent and quash the same and consequently, direct the second respondent to make a fresh enquiry by proper notice to all parties.

2.Heard Mr.M.S.Sureshkumar, learned counsel appearing for the petitioner and Mr.C.M.Mari Chelliah Prabhu, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 and 2.

3.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4.The impugned order, which is under challenge herein relates to the issuance of patta to the petitioner's land, passed by the second respondent / Tahsildar.



5. In fact, as against the order passed by the Tahsildar under Patta Passbook Act (hereinafter referred as 'the Act'), a statutory appeal remedy is available under Section 12 of the Act, under which an aggrieved party can file an appeal before the concerned Revenue Divisional Officer. Against which, if any adverse order passed by him, an aggrieved party can file appeal to the District Revenue Officer and thereafter, a revision can also be filed before the Commissioner of Land Administration. When there is hierarchy of appeal remedies provided under the Act, which is statutorily available with the petitioner, which is equally efficacious, the petitioner cannot straight away approach this Court by filing Writ Petition under Article 226 of the Constitution of India. Hence, this Court is not inclined to entertain this Writ Petition on the ground that non-exhaustion of efficacious alternative statutory remedy.

6. In that view of the matter, this Writ Petition is liable to be dismissed and the same is dismissed. However, this dismissal would not preclude the petitioner from adjudicating the issue in filing appeal before the concerned Appellate Authority / Revenue Divisional Officer. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar (CS )

To

1. The Surveyor,  
Thirumangalam Taluk,  
Madurai District.

2. The Tahsildar,  
Thirumangalam Taluk,  
Madurai District.

+1 CC to Mr. M. S. SURESH KUMAR, Advocate SR-68603.

+1 CC to SPL GP SR-68836.

**W. P. (MD) No. 13284 of 2019**

CS: (21/06/2019) 2P 5C