



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.13539 of 2019

and

WMP(MD)Nos.10142 & 10143 of 2019

WEB COPY

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... Petitioner

Vs.

1. The District Collector,
Thanjavur District, Thanjavur.

2. The Tahsildar,
Thanjavur (01) Taluk, Thanjavur District.

3. Xavier

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order vide No.TR2019/21/01/000549SD, dated 25.02.2019 passed by this 2nd respondent as void and thereby quash the same, as null and void, consequently direct the 2nd respondent to keep the petitioner's name as pattadar, in patta No.1166 with respect to the property, with an extent for 0.22.67 ares (56 cents) in the name of the petitioner in patta No.1166, in Melaveli Thottam, in Thanjavur Taluk, in Thanjavur District within a time frame.

For Petitioner :Mr.F.X.Eugene

For Respondents :Mr.P.Kannithevan for R1 & R2
Additional Government Pleader

ORDER

Challenging the impugned order dated 25.02.2019 of the 2nd respondent and for a consequential direction to the 2nd respondent to keep the petitioner's name as pattadar in patta No.1166 with respect to the property with an extent for 0.22.67 ares, the petitioner moved this writ petition.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader, who takes notice for the respondents 1 and 2.

3. By consent of both sides, the writ petition is taken up for final disposal at the stage of admission itself.



4. The impugned order in this writ petition is an order passed by the 2nd respondent Tahsildar with regard to change of patta of the petitioner's land. Aggrieved over the same, this writ petition has been filed.

5. In fact, as against the order passed by the Tahsildar under Patta Passbook Act (hereinafter referred to 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, the 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 (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

RR

To

1. The District Collector,
Thanjavur District, Thanjavur.

2. The Tahsildar,
Thanjavur (01) Taluk, Thanjavur District.

+ 1 CC to Mr.F.X.Eugene, Advocate in Sr.No.69535

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