

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.10399 of 2020 and

W.M.P.No.12650 of 2020

D.Govindaraj

... Petitioner

Vs.

1.The Tahsildar,  
Thirukkazhukundram Taluk,  
Chengalpattu District.

2.R.Govindaraj

3.The Revenue Divisional Officer,  
Chengalpattu District.

... Respondents

( Suo motu added as third respondent  
in this present writ petition by an order dated  
07.08.2020  
by NAVJ)

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Certiorari, calling for the entire records relating to the Impugned Proceedings passed by the first respondent in Na.Ka.358/2020/B2 dated Nil-06.2020 signed on 01.07.2020 quash the same and to pass orders.

For Petitioner : Mr.K.S.Arumugam

For Respondents : Mr.A.Aruldoss,

Government Advocate for R1 to R3

O R D E R

The Revenue Divisional Officer is Suo motu added as third respondent in this present writ petition.

2.This writ petition has been filed challenging the order passed by the first respondent dated 06.02.2020, wherein the first respondent has cancelled the patta standing in favour of the petitioner and had directed the Tahsildar to transfer the patta in the name of the second respondent.

3.The learned counsel for the petitioner submitted that the first respondent did not have the jurisdiction to pass such orders and therefore, the order has been put to challenge in the present writ petition.

4.Mr.A.Aruldoss, learned Government Advocate appearing on behalf of the respondents 1 to 3 submitted that this writ petition is not maintainable since there is an appeal remedy provided under the Patta Pass Book Act.

5.A careful reading of the order passed by the first respondent shows that the petitioner has participated in the proceedings and has also submitted all the documents to the first respondent. Therefore, the petitioners cannot be now allowed to turn around and question the very jurisdiction of the first respondent after the first respondent has passed the order on merits. The petitioner has to necessarily file an appeal before the Revenue Divisional Officer, Chengalpattu and without exhausting the appellate remedy, the petitioner cannot straight away approach this Court, by filing a writ petition.

6.In view of the above discussion, liberty is granted to the petitioner to file an appeal before the third respondent/Revenue Divisional Officer. The appeal shall be filed within a period of 15 days from the date of receipt of a copy of this order. The third respondent on receipt of the appeal, shall dispose of the same within a period of 12 weeks thereafter. The Registry is directed to hand over the original impugned order to the learned counsel for the petitioner.

7.This writ petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is also closed.

-s/d-  
Assistant Registrar(CS- )

True Copy

Sub-Assistant Registrar

To

- 1.The Tahsildar,  
Thirukkazhukundram Taluk,  
Chengalpattu District.
- 2.The Revenue Divisional Officer,  
Chengalpattu District.
- 3.The Government Pleader,  
High Court, Madras.

+1 cc to Government Pleader, SR.26468.

VsnII(co)  
krd 24/8