



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)No.7846 of 2013

and

M.P (MD)Nos.1 & 2 of 2013

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S.Meenakshi

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

2.The Tahsildar,
Devakottai Taluk Office,
Sivagangai District.

3.Thirunavukkarasu

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, to call for the records relating to the impugned order passed by the first respondent in Mu.Mu.A1-1007-12 dated 05.10.2012 and quash the same as illegal.

For Petitioner

: Mr.P.Muthusamy

For RR 1 & 2

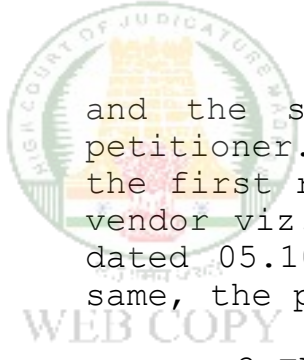
: Mr.V.Anand,

Government Advocate.

ORDER

The petitioner has filed the present Writ Petition to issue a Writ of Certiorari, to quash the impugned order passed by the first respondent in Mu.Mu.A1-1007-12 dated 05.10.2012.

2.According to the petitioner, she purchased the lands in Town Survey No.K.43-4B2, Udayachi Group, Devakottai Taluk, Sivagangai District, from one Sundararajan through registered agreement on 09.06.1992 and she is in possession and enjoyment of the said property and thereafter, the vendor also executed the sale deed in favour of the petitioner and it was not registered, but the vendor also signed in the documents. On the date of agreement, the petitioner is in possession and enjoyment of the property and got patta from the second respondent and the vendors also not objected. In the mean time, the third respondent has also purchased a piece of land from the petitioner. The petitioner has also filed a civil suit in O.S.No.140 of 2006 before the District Munisf Court, Devakottai



and the same was also withdrawn without the knowledge of the petitioner. Thereafter, the third respondent filed an appeal before the first respondent for cancelling the patta without impleading the vendor viz., Sundararajan. The first respondent vide impugned order dated 05.10.2012 cancelled the petitioner's patta. Challenging the same, the petitioner has filed the present Writ Petition.

3.The learned counsel appearing for the petitioner submitted that the impugned order passed by the first respondent is unsustainable and the same is liable to be set aside.

4.The learned Government Advocate appearing for the respondents 1 and 2 submitted that the petitioner is having an alternative remedy to approach the revisional authority challenging the said order. Without approaching the revisional authority, the petitioner has filed the writ petition, which is not maintainable.

5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

6.On perusal of the materials available on record, it is seen in the impugned order that the petitioner is a party to the order passed by the Revenue Divisional Officer and after hearing both the parties, the Revenue Divisional Officer has passed the impugned order. Since the petitioner is having an effective alternative remedy, this Court is of the opinion that the present Writ Petition cannot be entertained.

7.In such view of the matter, the Writ Petition is dismissed giving liberty to the petitioner to file the revision petition before the concerned authority within a period of two weeks from the date of receipt of a copy of this order. If the revision petition is filed with the stipulated period, if it is otherwise in order, the revisional authority is directed to take on file and dispose of the application as expeditiously as possible, after affording an opportunity to the parties concerned. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Deputy Registrar (A/C's)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Note:- In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

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To

1.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

2.The Tahsildar,
Devakottai Taluk Office,
Sivagangai District.

+1 CC to M/s.GP (SR-13463[F] dated 31/07/2020)

W.P. (MD) No.7846 of 2013
29.07.2020

KB(13.08.2020) 3P 4C