



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 20.08.2020**

**CORAM:**

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR**

**W.P. (MD)No.9353 of 2020**

**W.M.P. (MD) .Nos.8501, 8502 and 8505 of 2020**

**WEB COPY**

Jeyapaul

... Petitioner

Vs.

1.The Sub Registrar,  
Kovilpatti, Thoothukudi District.

2.The District Revenue Officer,  
Thoothukudi District.

3.The Revenue Divisional Officer,  
Kovilpatti, Thoothukudi.

4.The Tahsildar, Kovilpatti Taluk,  
Thoothukudi District.

5.Sasikaladevi.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the third respondent in his proceedings in Na.Ka.No.A2/7062/2019, dated 24.07.2020 and quash the same as illegal and consequent direction may be issued forbearing the first respondent from the registration of any encumbrance, based on the patta No.170 in respect of Survey Numbers 543, 544 and 545, Pandavarmangalam, Kovilpatti Taluk, issued in pursuance of the impugned order.

For Petitioner : Mr.T.A.Ebenezer

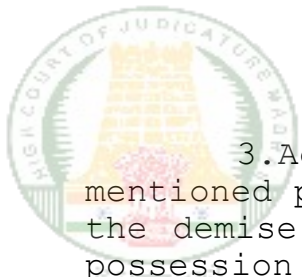
For R1 : Mr.K.Sathiya Singh  
Additional Government Pleader

For R2 to R4 : Mr.C.M.Mari Chelliah Prabhu  
Additional Government Pleader

**ORDER**

This writ petition is filed to quash the order passed by the third respondent in his proceedings in Na.Ka.No.A2/7062/2019, dated 24.07.2020 and consequently to forbear the first respondent from the registration of any encumbrance, based on the patta No.170 in respect of Survey Numbers 543, 544 and 545, Pandavarmangalam, Kovilpatti Taluk, issued in pursuance of the impugned order.

2.Heard Mr.T.A.Ebenezer, learned counsel appearing for the petitioner, Mr.A.Sathiya Singh, learned Additional Government Pleader appearing for the first respondent and Mr.C.M.Mari Chelliah Prabhu, learned Additional Government Pleader appearing for the respondent Nos.2 to 4.



3. According to the petitioner, originally the petition mentioned properties belonged to the petitioner's grandfather. After the demise of his grandfather and his father, the petitioner is in possession and enjoyment of the same in Survey Nos.543, 544 and 545. In order to grab the petitioner's properties, the fifth respondent has approached the fourth respondent to change the patta in her name, by claiming Mahalingam had sold out full extent of the properties to her grandfather. By order dated 23.07.2019, the Deputy Tahsildar has rejected the said request on the ground that after long years, the said right cannot be decided. Thereafter, the fifth respondent has filed an appeal before the third respondent. The third respondent has passed an order dated 24.07.2020, wherein it has been stated that the patta has been changed in the name of the fifth respondent.

4. Against which, the petitioner has filed a revision before the second respondent and the same is pending. In the mean time, based on the order of the third respondent, joint patta was issued by adding her name along with the petitioner. Thereafter, by showing the said patta, the fifth respondent has approached the Sub Registrar, Kovilpatti to sell the property and register the sale deed. When it has come to know that, the petitioner has approached the Sub Registrar, Kovilpatti, and made objection for registering any encumbrance, based on the patta No.170 on 04.08.2020. Therefore, the present writ petition is filed.

5. The learned counsel appearing for the petitioner submitted that the petitioner has filed a revision petition before the District Revenue Officer, against the order passed by the third respondent and the same is pending.

6. By considering the submission of the learned counsel for the petitioner, this Court is of the prima facie view that the petitioner has an effective alternative remedy before the District Revenue Officer. Therefore, the present writ petition is not maintainable. Accordingly, this Writ Petition stands dismissed with liberty to the petitioner to file an application for getting interim order before the revisional authority, if so advised. No costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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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.

To

- 1.The Sub Registrar,  
Kovilpatti,  
Thoothukudi District.
- 2.The District Revenue Officer,  
Thoothukudi District.
- 3.The Revenue Divisional Officer,  
Kovilpatti,  
Thoothukudi.
- 4.The Tahsildar,  
Kovilpatti Taluk,  
Thoothukudi District.

+1 CC to SGP ( SR-14657[F] dated 21/08/2020 )

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20.08.2020

KM (04.09.2020) 3P 6C