



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2021

CORAM

THE HON'BLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WP.No.28000 of 2015

and

MP.No.1 of 2015

1.Minor K.Kiruba

2.Minor K.Sathvika

minors rep. by their father and
guardian R.Kumaresan

... Petitioners

Vs

1. The District Collector,
Collectorate,
Thiruvarur District,
Thiruvarur.

2. The Revenue Divisional Officer,
RDO Office,
Mannargudi.

3. The Tahsildar,
Taluk Office,
Thiruthuraipoondi,
Thiruvarur District.

4.Dheepika

... Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of certiorari to call for the records pertaining to the impugned order passed by the second respondent dated 10.08.2015 in patta transfer appeal case No.Na.Ka.5025/2010 A1 on the file of the second respondent and quash the same.

For Petitioners : No appearance

For Respondents

For R1 to 3 : Mr.Richardson Wilson
Government Advocate

For R4 : Mr.P.Raja



ORDER

WEB COPY This Writ Petition is filed to issue a writ of certiorari to call for the records pertaining to the impugned order passed by the second respondent dated 10.08.2015 in patta transfer appeal case No.Na.Ka.5025/2010 A1 and quash the same.

2. The case of the petitioners is that the petitioners were issued patta and subsequently the same was challenged by the fourth respondent before the second respondent. While pending the appeal, the fourth respondent approached this Court in WP.No.13259 of 2015 and this Court directed the second respondent to consider the representation of the fourth respondent and dispose of the same, after putting on notice to the rival claimants i.e. the petitioners herein and pass orders in accordance with law within a period of six weeks from the date of receipt of copy of that order. As directed by this Court, the second respondent conducted enquiry and passed orders, thereby cancelled the patta issued in favour of the petitioners. Aggrieved by the same, the petitioners have filed this writ petition.

3. The fourth respondent filed appeal under Section 12 of the Patta Passbook Act as against the issuance of patta order passed by the third respondent herein. As against the order passed by the second respondent, there is revision remedy provided under Section 13 of the Patta Passbook Act. When there is a specific remedy available for the petitioners to file a revision, this Court cannot entertain the writ petition under Article 226 of the Constitution of India.

4. However, the petitioners are at liberty to file a revision before the revisional authority as contemplated under Section 13 of the Patta Passbook Act. The period of pendency of the writ petition may be excluded while considering the revision with regards to the limitation. Accordingly, the petitioners are directed to file revision within a period of two weeks from the date of receipt of copy of this order. The revisional authority is directed to issue notice to all the parties concerned and after giving opportunity of hearing, to pass orders on merits and in accordance with law within a period of twelve weeks thereafter.

5. With the above directions, this writ petition is



disposed of. Consequently, connected miscellaneous petition is closed. No order as to costs.

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Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Collectorate,
Thiruvarur District,
Thiruvarur.
2. The Revenue Divisional Officer,
RDO Office,
Mannargudi.
3. The Tahsildar,
Taluk Office,
Thiruthuraipoondi,
Thiruvarur District.

+1cc to the Government Pleader, S.R.No.41349

WP.No.28000 of 2015

NRL (CO)
SU (21/09/2021)