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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.15444 OF 2014

1. Ayyasami Udayar (Died)
 2. A.Manickam
 3. A.Veeramani
 4. Shanthi
 5. A.Murugan
 6. A.Ramesh
 7. A.Sivakumar
 8. A.Erusappa
 9. A.Chinnadurai
- (Petitioners 2 to 9 are brought on record as legal heirs of the deceased sole petitioner vide Order of this Court dated 01.10.2021 made in W.M.P.No.22599 of 2021 in W.P.No.15444 of 2014)

... Petitioners

-Vs-

1. The State of Tamil Nadu,
Rep. by its Secretary to the Government,
Revenue Administration Department,
Fort St. George, Chennai - 9.
2. The Revenue Divisional Officer,
Kallakurichi.
3. The Tasildar,
Kallakurichi Taluk,
Kallakurichi.
4. S.Samidurai

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the second respondent made in Na.Ka.No.A4/492/2014 dated 24.02.2014 and to quash the same



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and with consequential direction to the respondents to retain the patta No.826 in favour of the petitioner in respect of 0.10 cents in S.No.240/15 in Mudiyanur Village.

For Petitioners : Ms.K.Jenitha

For Respondents

For R1 to R3 : Mr.M.R.Gokul Krishnan
Government Advocate

For R4 : Mr.I.C.Vasudevan

ORDER

This Writ Petition has been filed to call for the records of the second respondent made in Na.Ka.No.A4/492/2014 dated 24.02.2014 and to quash the same and with consequential direction to the respondents to retain the patta No.826 in favour of the petitioner in respect of 0.10 cents in S.No.240/15 in Mudiyanur Village.

2. Heard Ms.Jenitha, learned counsel appearing for the petitioner, Mr.M.R.Gokul Krishnan, learned Government Advocate appearing for the respondents 1 to 3 and Mr.I.C.Vasudevan, learned counsel appearing for the fourth respondent.

3. Challenging the order passed by the second respondent herein, thereby ordered for issuance of joint patta in favour of the fourth respondent, in respect of the subject property, the present Writ Petition has been filed. It is seen that there is a revision remedy available for the petitioner under Section 13 of the Patta Passbook Act, 1983, which reads as follows :-

"13. Revision. - Any officer of the Revenue Department not below the rank of District Revenue Officer authorised by the Government, by notification, in this behalf for such area as may be specified in the notification, may of his own motion or on the application of a party call for and examine the records of any Tahsildar or appellate authority within his jurisdiction in respect of any proceeding under this Act and pass such orders as he may think fit:
Provided that no such order prejudicial to any person shall be made unless he has been given a reasonable opportunity of making his representation."



When there is a specific remedy, this Court is not inclined to entertain this petition and the Writ Petition is devoid of merits and liable to be dismissed. However, the petitioner is directed to file revision before the concerned District Revenue Officer as against the order passed by the Revenue Divisional Officer within a period of two weeks from the date of receipt of a copy of this Order. On receipt of the same, the District Revenue Officer is directed to issue notice to the parties concerned viz., the fourth respondent herein and after giving opportunity of hearing to both parties, pass order in accordance with law, within a period of twelve weeks thereafter.

4. With the above directions, the Writ Petition stands dismissed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rts

To

1. The Secretary to the Government,
State of Tamil Nadu,
Revenue Administration Department,
Fort St. George, Chennai-9.
2. The Revenue Divisional Officer,
Kallakurichi.
3. The Tasildar,
Kallakurichi Taluk,
Kallakurichi.

+1cc to M/s.A.Malath Deva Priyam, Advocate, S.R.No.51616
+1cc to the Government Pleader, S.R.No.51969

W.P.NO.15444 OF 2014

KSM(CO)
PBS/29/11/2021