



WEB COPY

WP(MD) No.1586 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2021

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THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.1586 of 2021

and

W.M.P. (MD) No.1345 of 2021

Ayyakkannu

.. Petitioner

VS

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Melur Taluk,
Melur,
Madurai District.

3.The President,
Vannamparai Patti,
Village Panchayat,
Melur Taluk,
Madurai District.

.. Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the entire record pertaining to the rejection impugned order dated 05.09.2020 passed by the 2nd respondent and to quash the same as illegal and consequently directed the 2nd respondent to grant patta in the petitioner's name.

For Petitioner	:	Mr.P.M.Vishnuvarthanan
For R1 & R2	:	Mr.R.Murugan Additional Government Pleader
For R3	:	Mr.J.Gunaseelan Muthaiah Additional Government Pleader

ORDER

What is challenged in this writ petition is the rejection order passed by the 2nd respondent, dated 05.09.2020.

2.When the matter is taken up for hearing today, learned counsel appearing for the petitioner would submit that the reason as given by the 2nd respondent for rejecting the claim of the petitioner was on erroneous appreciation of the claim of the petitioner and therefore, he would submit that the impugned order, dated 05.09.2020 needs to be revisited.



3.Mr.R.Murugan, learned Additional Government Pleader takes notice for the respondents 1 and 2 and Mr.J.Gunaseelan Muthaiah, learned Additional Government Pleader takes notice for the 3rd respondent.

4.This Court is not inclined to entertain this writ petition for the simple reason that any erroneous order passed by the authority, an appeal remedy is available under the relevant statute and in this case, the Revenue Divisional Officer is the appellate authority and the petitioner being aggrieved can always approach the appellate authority for suitable orders to be passed in the appeal to be filed against the order passed by the 2nd respondent, dated 05.09.2020. Without exhausting such alternative remedy as provided under the statute, it is not open to the petitioner to approach this Court directly and seek the reliefs as prayed for.

5.This Writ Petition therefore stands dismissed, accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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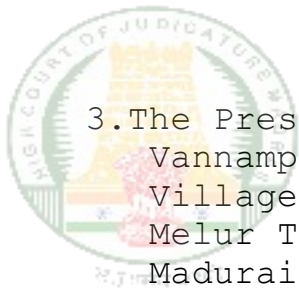
Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Melur Taluk,
Melur, Madurai District.

<https://hcservices.ecourts.gov.in/hcservices/>



3.The President,
Vannamparai Patti,
Village Panchayat,
Melur Taluk,
Madurai District.

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+1 CC to Mr.J.GUNASEELAN MUTHIAH, Advocate (SR-2996[F] dated 03/02/2021)

+1 CC to SGP (SR-3059[F] dated 03/02/2021)

+1 CC to Mr.P.M.VISHNU VARTHANAN, Advocate (SR-3165[F] dated 03/02/2021)

W.P. (MD) No.1586 of 2021
02.02.2021

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KM (19.02.2021) 3P 7C