



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 05.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE **V.PARTHIBAN**

W.P. (MD)No.1930 of 2021

and

W.M.P. (MD)Nos.1648 and 1649 of 2021

WEB COPY

S.Sugunadevi

... Petitioner

- Vs -

- 1.The District Collector,
Office of the District Collector,
Dindigul.
- 2.The District Revenue Officer,
Office of the District Revenue Officer,
Dindigul.
- 3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Kodaikanal, Dindigul District.
- 4.The Tahsildar,
Kodaikanal,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order passed by the Tahsildar, Kodaikanal in Na.Ka.No.2434/2020/A1 dated 18.01.2021 quash the same as illegal and consequently direct the RDO, Kodikanal to conduct enquiry and to submit proposals to the DRO, Dindigul to pass appropriate orders to make necessary correction in the Town Survey extract within a specific time frame as fixed by this Court.

For Petitioner

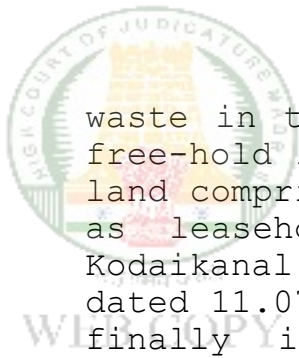
: Mr.Veera Kathiravan
Senior Counsel
for M/s.Veera Associates

For Respondents

: Mr.M.Jeyakumar
Additional Government Pleader

ORDER

The case of the petitioner is that her family members were the early settlers of the Palani Hills at Kodaikanal. According to the petitioner, the erstwhile Madurai District administration as well as the Township of Kodaikanal favoured assignment of lands lying in



waste in the hilly terrain to encourage agricultural activities as free-hold lands. In pursuance of which, an extent of 2.75 acres of land comprising in Survey No.150/3 of Kodaikanal Village was granted as leasehold assignment in favour of one Mr.A.Chelladurai of Kodaikanal originally by proceedings of the competent authority dated 11.07.1943. The lands over a period of time changed hands and finally in 2015 came into possession and enjoyment of the petitioner's husband Mr.P.Santhanadurai vide vennilai sale deed from one Durairaj.

2.At the time when the sale was effected, the patta stood in the name of the said Durairaj in respect of the survey numbers mentioned therein. After the purchase, the husband of the petitioner has been paying kists regularly since fasli year 1426. The grievance of the petitioner is that correspondingly the correction was not made in the Taluk records particularly, in computer chitta and in the Town Survey records.

3.The petitioner's husband had settled the property in petitioner's name by document No.367, dated 17.02.2017. Thereafter, the patta transfer was requested for and since there was no action forthcoming from the authority concerned, the petitioner appears to have approached this Court in W.P.(MD)No.7801 of 2020 and this Court directed the Tahsildar, Kodaikanal, to consider and dispose of the representation within the time stipulated.

4.In pursuance of the direction as above by this Court, the revenue officials have conducted enquiry in order to effect changes in the survey records. The fourth respondent vide his proceeding dated 18.01.2021 rejected the request of the petitioner stating that patta cannot be granted as there was a ban in assignment of hilly lands and also that there were no past records to indicate that the petitioner had any connection whatsoever to the property. Challenging the same, the petitioner is before this Court.

5.The learned Senior Counsel appearing for the petitioner would reiterate the above facts and would submit that the order suffers from total non-application of mind and therefore, the same is liable to be interfered with.

6.However, without going into the issue of whether there was any disclosure of proper application of mind on the part of the fourth respondent or not, this Court at the outset is of the opinion that the present Writ Petition is not maintainable for the simple reason that as against the order of the fourth respondent, a regular appellate remedy is available under the provisions of Tamil Nadu Patta Passbook Act to the Revenue Divisional Officer. This Court does not find any worthwhile reason to entertain this Writ Petition without the petitioner exhausting the effective alternative remedy provided under the relevant Act.



7.In matters like this, the revenue officials alone are competent to decide the claim of the petitioner vis-à-vis the records available in the revenue department. Unless the petitioner exhaust all the remedies available under the relevant statute, the petitioner cannot invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. Whatever be the objections of the petitioner to the orders passed by the fourth respondent which are impugned in the Writ Petition, such objections may have to be raised before the appellate authority and also any other higher officials as provided in the relevant Act before knocking at the doors of this Court and invoke the Writ jurisdiction.

8.In view of the above position, the Writ Petition stands dismissed as being premature without exhausting the appellate remedies available under the relevant statute. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS III)

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/ /2021

Sub Assistant Registrar(CS)

SRM

To

- 1.The District Collector,
Office of the District Collector,
Dindigul.
- 2.The District Revenue Officer,
Office of the District Revenue Officer,
Dindigul.
- 3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Kodaikanal, Dindigul District.
- 4.The Tahsildar,
Kodaikanal,
Dindigul District.

+1 CC to M/s.GP (SR-4036[F] dated 09/02/2021)

W.P(MD)No.1930 of 2021

05.02.2021

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SMV (CO)

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