



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 05.02.2021

CORAM:

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

W.P. (MD)No.2027 of 2021

WEB COPY

L.Subramaniyan

... Petitioner

- Vs -

1.The District Collector,
Pudukkottai,
Pudukkottai District.

2.The Tahsildar,
Thirumayam Taluk,
Pudukkottai,
Pudukkottai District.

3.The Project Unit Officer,
Unit 1,
Thirumayam Taluk,
Pudukkottai,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records relating to the impugned proceedings in O.Mu.4421/2020/A6, dated 02.12.2020 issued by the second respondent herein and quash the same as illegal.

For Petitioner
For Respondent

: Mr.G.Mathavan
: Mr.R.Murugan
Additional Government Pleader

ORDER

According to the petitioner, he was the owner of the property in Survey No.425/15 to an extent of 0.69.5 Ares situated at Lambalakudi Village, Thirumayam Taluk, Pudukkottai District. According to him, the property was originally purchased by his grandfather and after his demise, it was allotted to his father and became the petitioner's property over a period of time.

2.The petitioner appears to have made an application to the second respondent for transfer of patta and the same was ordered in his favour on 28.02.2002. The petitioner in this regard approached this Court in W.P.(MD)No.11669 of 2020 directing the first



respondent to implement the order of the third respondent for ordering grant of patta and to make necessary entries in the revenue records. This Court directed to dispose of the representation of the petitioner within a period of 12 weeks from the date of receipt of a copy of the order vide order dated 15.09.2020. In pursuance of the direction of this Court, the second respondent rejected the request of the petitioner stating that the petitioner has not submitted any document establishing his right to the property and in case, the petitioner is aggrieved by this order, he can file an appeal before the Revenue Divisional Officer concerned. As against the order of the second respondent, the present Writ Petition has been filed.

3.This Court is not inclined to entertain this Writ Petition for the simple reason that the impugned order itself has clearly indicated that in case the petitioner is aggrieved by the rejection, he can approach the Revenue Divisional Officer concerned. This Court is unable to appreciate as to why instead of choosing the appropriate effective alternative remedy before the Revenue Divisional Officer has chosen to approach this Court by invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

4.In matters of patta transfer or any allied grievances, the revenue officials are the competent persons to decide such claims and only after exhaustion of all the remedies that are made available in the relevant statute, it is possible for the aggrieved persons to approach this Court. It is certainly not open to the petitioner herein without exhausting the effective alternative remedies which are made available in the Act and to invoke writ jurisdiction at this stage and seek intervention of this Court.

5.For the above said reasons, the Writ Petition is dismissed as not maintainable. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SRM

To

1.The District Collector,
Pudukkottai,
Pudukkottai District.

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



2.The Tahsildar,
Thirumayam Taluk,
Pudukkottai,
Pudukkottai District.

3.The Project Unit Officer,
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Pudukkottai,
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+1 CC to M/s.GP (SR-3756[F] dated 08/02/2021)

W. P (MD) No. 2027 of 2021
05.02.2021

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