



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2021

WEB COPY

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THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.2104 of 2021

and

W.M.P. (MD) Nos.1766 & 1767 of 2021

A.James @ Jerome

.. Petitioner

Vs

1. The District Collector,
Kanyakumari District,
at Nagercoil.

2. The District Revenue Officer,
Nagercoil,
Kanyakumari District.

3. The Tahsildar,
Simon Colony Village,
Kalkulam Taluk,
Kanyakumari District.

.. Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned order passed by the 3rd respondent vide Text Message From Ad-TNGOVT dated 28.12.2020 and quash the same as illegal and consequently directing the respondents to change the name of the petitioner in petitioner's patta vide patta Nos. 4200, 5271, 6436 and 7331 of Simon Colony Village, Kalkulam Taluk, Kanyakumari District based on the petitioner's representation dated 30.11.2020 forthwith.

For Petitioner : Mr.A.Balakrishnan

For Respondents : Mr.R.Murugan
Additional Government Pleader



ORDER

The case of the petitioner is that in the official records, originally his name was shown as Jerome. He changed his name as James subsequently and the change of name was also published in the Tamilnadu Gazette in the year 2003. After publication, the petitioner appears to have changed his identity card in the name of James.

2.The petitioner claims to have several properties, particularly, he is in possession and enjoyment of the property in the patta Nos.4200, 5271, 6436 and 7331 of Simon Colony Village, Kalkulam Taluk, Kanyakumari District. The petitioner approached the 3rd respondent for change of his name in the patta and in this regard, he has submitted a representation recently on 30.11.2020 to the 1st respondent. The said representation was also forwarded to the 3rd respondent on 09.12.2020 by the 1st respondent. However, the petitioner did not receive any favorable order and ultimately received a whatsapp message stating that his request was rejected on the ground that his name was already found in the patta. Being aggrieved by the whatsapp message, the petitioner is before this Court.

3.This Court is unable to entertain this writ petition for the simple reason that as against the proceedings of the 3rd respondent, under the provisions of the Tamilnadu Patta Passbook Act, 1983, an appeal would lie to the Revenue Divisional Officer concerned and further a revision would also lie to the District Revenue Officer concerned. Without exhausting the alternative remedy available under the statute, it is not permissible for the petitioner to approach this Court directly by invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

4.In the matter like this, it is for the petitioner to approach the appellate / revisional authority and seek their intervention in regard to his claim of entering the present name in the revenue records, as the appellate / revisional authority alone are competent to appreciate the case of the petitioner after verifying the materials in support of the petitioner's request.

5.In such circumstances, this Court finds that the present writ petition is premature and is not maintainable and therefore, it stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar (CS-)



To

1. The District Collector,
Kanyakumari District,
at Nagercoil.

2. The District Revenue Officer,
Nagercoil,
Kanyakumari District.

3. The Tahsildar,
Simon Colony Village,
Kalkulam Taluk,
Kanyakumari District.

+ 1 CC to M/s.A.BALA KRISHNAN, Advocate (SR-4156[F] dated 10/02/2021)

+ 1 CC to GP (SR-4272[F] dated 10/02/2021)

MM

TE : 02/03/2021 : 3P/6C

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