



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2021

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THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.(MD) No.2675 of 2021

and

W.M.P.(MD) Nos.2205 & 2206 of 2021

Anbumani

... Petitioner

vs

1.The Revenue Divisional Officer,
Pudukkottai Division,
Pudukkottai District.

2.The Tahsildar,
Thirumayam Taluk,
Pudukkottai District.

3.Bahirabegum
4.Pounrose

... Respondents

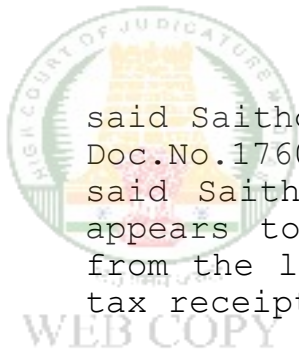
PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to impugned order in Ni.Mu.A4/1251/2019 dated 30-11-2020 passed by the 1st respondent herein and quash the same as illegal and consequently direct the 1st and 2nd respondents to restore the petitioner name in revenue records/patta in respect of S.F.No.519/8C2 bearing patta number 933 situated at Thirumayam Village, Thirumayam Taluk, Pudukkottai District.

For Petitioner : Mrs.A,Banumathy

For Respondents : Mr.M.Thilagar
No.1&2 Government Advocate

ORDER

The case of the petitioner is that the land comprised in S.F.No.519/8C, having patta No.933, originally stood in the name of one Poondi Nattharsha. In respect of the said property, a partition suit was filed before the Sub Court, Pudukkottai, in O.S.No.34/1962 by the legal heirs. The said suit was decreed in favour of one Saithoonbibi, who was arrayed as 12th defendant in the suit. Based on a civil Court decree, patta was issued (Patta No.933) in favour of



said Saithoonbibi. Subsequently, vide a registered sale deed bearing Doc.No.1760/2004, the petitioner purchased 22 acres alone from the said Saithoonbibi. After the purchase of the land, the petitioner appears to have constructed a house, after getting due permission from the local body and Building plan, E.B. connection and property tax receipt also stand in his name.

2.While so, after a lapse of 15 years from the date of purchase of the property by the petitioner, the respondents 3 and 4 have preferred an appeal before the 1st respondent for cancellation of patta granted in respect of 22 acres in S.F.No.519/8C2. In response to the appeal filed by the respondents 3 and 4, a report was sought from the 2nd respondent, namely, the Tahsildar concerned.

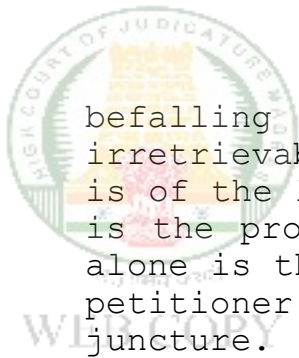
3.On the basis of the report of the Tahsildar concerned, the 1st respondent has passed an order in the appeal on 30.11.2020, directing the 2nd respondent to cancel the patta granted in favour of the petitioner in respect of the subject property. The 1st respondent has concluded that the petitioner purchased the subject land from one Saithoonbibi and the transfer of patta in his name was invalid. As against the finding of the 1st respondent, the present writ petition has been filed.

4.The petitioner has challenged the impugned order of the 1st respondent, dated 30.11.2020 by filing a detailed factual narrative as stated in the affidavit filed in support of this writ petition.

5.This Court is unable to appreciate as to how the impugned order of the 1st respondent could be a subject matter of interference of this Court on the basis of the appreciation of certain factual dispute as between the petitioner and the private respondents. The 1st respondent, after passing the impugned order, has concluded that in case, the petitioner is aggrieved by the order of the 1st respondent, it is open to him to file a revision before the District Revenue Officer concerned, who is the revisional authority under the provisions of the Tamilnadu Patta Passbook Act, 1983. Instead of availing the effective alternative remedy available to the petitioner, he has chosen to approach this Court directly, challenging the impugned order of the 1st respondent.

6.This Court time and again has held that in a matter like this, when the factual controversies need to be resolved, a proper course for any aggrieved party is to exhaust the effective alternative remedy available under the relevant Act before approaching this Court by invoking the extraordinary jurisdiction of this Court.

7.In some exceptional cases, this Court could entertain the writ petition directly, when a grave error has been committed by the respondent and interference is called for, when any injury



befalling the aggrieved part could not be compensated or irretrievable. As far as the case on hand is concerned, this Court is of the legal view that it is a fit case, where, revisional remedy is the proper course for the petitioner, as a revisional authority alone is the competent person to appreciate the factual claim of the petitioner for resolving the lis and not this Court at this juncture.

8. For the above reasons, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

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/ /2021

Sub Assistant Registrar(CS)

MM

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 Revenue Divisional Officer,
Pudukkottai Division,
Pudukkottai District.

2. The Tahsildar,
Thirumayam Taluk,
Pudukkottai District.

+1 CC to THE SPECIAL GOVERNMENT PLEADER(SR-5088[F] dated 15/02/2021)

Order made in
W.P. (MD) No.2675 of 2021 and
W.M.P. (MD) Nos.2205 & 2206 of 2021
12.02.2021

SE (CO)

SRS (11/03/2021) 3P : 4C