



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.03.2021**

CORAM

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

W.P(MD) No.3394 of 2021 and
WMP(MD) Nos.2754 & 2755 of 2021

A.N.Sivalingam

.. Petitioner

Vs

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The District Revenue Officer,
Sivagangai District,
Sivagangai.

3.The Revenue Divisional Officer,
Sivagangai District,
Sivagangai.

4.The Tahsildar,
Devakottai Taluk,
Sivagangai District.

5.Thirunavukarasu

.. Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to Mu.Mu.A1-945-2020 dated 05.03.2020, on the file of the 3rd respondent and quash the same as illegal.

For Petitioner	: Mr.S.Madhavan
For R1 to R4	: Mr.A.Thiyagarajan Government Advocate
For R5	: Mr.S.Balakarthick

O R D E R

Challenge in this Writ Petition is the order of the third respondent dated 05.03.2020, regarding the cancellation of the Patta in favour of the petitioner.

2.According to the petitioner, he is owner of the subject property and the relevant revenue records also stand in the name of the petitioner. Be that as it may, the fifth respondent claiming that the subject property is his ancestral property and filed O.S.No.125 of 2008 before the District Munsif Court, Devakottai and the same was dismissed. Appeal filed by him against the dismissal



order in A.S.No.7 of 2017 is pending before the Subordinate Court, Devakottai. In this circumstances, the fifth respondent approached the Revenue Divisional Officer, Devakottai and obtained an order for mutation of revenue records of the subject property in his favour. Hence, the petitioner is before this Court with this Writ Petition.

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3.The learned counsel for the petitioner would submit that the fifth respondent is attempting to take undue advantage of the order passed by the Revenue Divisional Officer and seeking to evict the petitioner from the subject property.

4.When the matter is taken up for hearing, the learned Government Advocate appearing for the respondents would submit that the proper course of remedy for the petitioner is to approach the appropriate appellate authority and therefore, the Writ Petition is not maintainable.

5.This Court is unable to appreciate the explanation of the petitioner for maintaining this Writ Petition. Perusal of the impugned order shows that there is an appeal remedy before the appellate authority available for the aggrieved persons. When an effective appellate remedy is available under the provisions of the Patta Pass Book Act, such remedy has to be mandatorily availed and the same cannot be bypassed.

6.While that being so, this Court cannot exercise its extra ordinary jurisdiction under Article 226 of the Constitution of India and entertain this writ petition at this stage. This Writ Petition is completely mis-conceived and accordingly the same is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Records)

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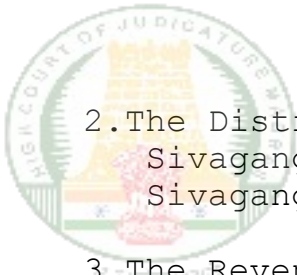
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Sub Assistant Registrar(CS)

vrn

To

1.The District Collector,
Sivagangai District,
Sivagangai.



2.The District Revenue Officer,
Sivagangai District,
Sivagangai.

3.The Revenue Divisional Officer,
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Sivagangai District.

+1 CC to M/s.S.BALAKARTHICK, Advocate (SR-8041[F] dated
02/03/2021)

+1 CC to M/s.SPL GP (SR-8182[F] dated 02/03/2021)

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GS(17.05.2021) 3P 7C