BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **11.03.2021**
CORAM
THE HONOURABLE MR.JUSTICE **V.PARTHIBAN**

W.P.(MD) No.5285 of 2021
and
W.M.P.(MD) No.4211 of 2021

S.Ramar .. Petitioner

Vs

1.The District Revenue Officer,
O/o. District Revenue Office, Virudhunagar.

2.The Revenue Divisional Officer,
O/o. Revenue Divisional Office,
Sivakasi, Virudhunagar District.

3.The Tahsildar,
Taluk Office, Srivilliputhur,
Virudhunagar District.

4.M.Suresh Kannan .. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 2nd respondent vide his proceedings in T.R.20200109 26011913 dated 21.01.2021 and the consequential order of the 3rd respondent of issuance of patta No 470 in favour of the 4th respondent and quash the same as illegal in respect of petitioner's concern.

For Petitioner : Mr.D.Senthil
For R1 to R3 : Mr.R.Murugan
Additional Government Pleader

ORDER

The case of the petitioner is that the land in S.No.4/1A2 to an extent of 1.32.5 ares situated at Singammal Puram Village, Srivilliputhur Taluk, was purchased by his father. The 4th respondent is having the property in S.No.4/1A3 and the same is situated at southern side of the petitioner's property. According to the 4th respondent, extent of the property was wrongly mentioned in the patta issued to him and was making a claim against the property owned by the petitioner.

2.The 4th respondent filed a suit in O.S.No.246 of 2011 on the file of the Additional District Munsif Court, Srivilliputhur seeking to set aside the patta granted in favour of the petitioner and to reissue the patta rectifying the mistake and also for consequential injunction. According to the petitioner, the suit was partly allowed by the trial Court, against which, an appeal has been filed with a condone delay application in I.A.No.1 of 2019, in which, notice was ordered by the Sub Court, Tiruchirappalli.

3.In the meanwhile, the 4th respondent appears to have filed a revision petition before the 2nd respondent and the 2nd respondent passed an order of cancellation of patta granted in favour of the petitioner, vide order dated 01.01.2019. As against the same, the petitioner preferred an appeal before the 1st respondent in A.No.33509/2019 and the same is pending.

4.Being aggrieved by the order of the 2nd respondent dated 21.01.2021, by changing the revenue entries in the 'A' Register and by issuing patta in favour of the 4th respondent, the petitioner is before this Court.

5.From the above factual narrative, it could be seen that as against the proceedings of the 2nd respondent, dated 21.01.2021, the petitioner has an effective appeal remedy before the 1st respondent, which admittedly has not been exhausted in this case. This Court time and again has held that in patta matters, any aggrieved party must exhaust all the remedies that are made available under the Tamilnadu Patta Passbook Act, 1983 and no writ normally can be entertained without exhausting all the remedies available under the Act.

6.In this case, when an effective alternative remedy is available before the 1st respondent, it is not open to the petitioner to rush to this Court at this time for whatever reason and seek intervention of this Court in exercising its extraordinary jurisdiction under Article 226 of the Constitution of India.

7.For the above said reasons, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mm

To

1.The District Revenue Officer,
   O/o. District Revenue Office, Virudhunagar.

2.The Revenue Divisional Officer,
   O/o. Revenue Divisional Office,
   Sivakasi, Virudhunagar District.

3.The Tahsildar,
   Taluk Office, Srivilliputhur,
   Virudhunagar District.

+1 CC to M/s.SPL GP (SR-10898[F] dated 12/03/2021)

W.P.(MD)No.5285 of 2021
11.03.2021

SSS(CO)
KK(08.04.2021) 3P 5C