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

W.P.(MD) No.5287 of 2021

Krishnan .. Petitioner

Vs

1.The District Revenue Officer,
Thanjavur District, Thanjavur.

2.The Revenue Divisional Officer,
Kumbakonam,
Thanjavur District.

3.The Sub Collector,
Kumbakonam, Thanjavur District.

4.The Executive Officer,
Sri Saranatha Perumal Temple,
Sri Saranatha Perumal Devasthanam,
Thirucherai 612 605,
Kumbakonam Taluk,
Thanjavur District. .. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in Na.Ka.No.5590/2017/A3, dated 24-06-2020 and quash the same and consequently directing the 2nd respondent to grant patta in favour of the petitioner, relating to the petitioner's lands in S.Nos.49/22 (Old S.No.49/2 Part), 49/43, and 49/42 , (old S.No.49/3) situate at Thirucherai Village, Kumbakonam Taluk Thanavur District.

For Petitioner : Mr.S.Deenadhayalan
For Respondents R1 to R3 : Mr.C.Ramesh,

ORDER

The case of the petitioner is that he has filed a petition for grant of patta for the land in S.Nos.49/22 (Old S.No.49/2 Part), 49/43 and 49/42 (Old.S.No.49/3), situated at Thirucherai Village, Kumbakonam Taluk, Thanjavur District to the 3rd respondent. The 4th respondent appears to have filed a suit in O.S.No.167 of 2001 praying for the relief of declaration and permanent injunction as against the petitioner herein before the District Munsif Court, Valangaiman at Kumbakonam. The suit was dismissed by the trial Court on 13.03.2008. As against the same, the 4th respondent has preferred an appeal in A.S.No.31 of 2010 before the Principal Sub Court, Kumbakonam, which was also dismissed on 30.03.2016. The 4th respondent filed yet another suit in O.S.No.68 of 2006 and the suit was also dismissed on 01.11.2007.

2.The 3rd respondent, in respect of the application filed by the petitioner for grant of patta, rejected the same on the ground that there is an appeal pending as against the dismissal of the judgment passed in O.S.No.68 of 2006 and the petitioner was also advised to file a revision before the 1st respondent. The petitioner thereafter preferred a revision before the 1st respondent under Section 14 of the Tamilnadu Patta Passbook Act, 1983 and the revision being not disposed of by the 1st respondent, he was before this Court in W.P.(MD) No.13872 of 2019. This Court disposed of the writ petition on 20.06.2019 by giving a direction to the 1st respondent to dispose of the revision petition filed by the petitioner within a period of six weeks.

3.In pursuance of the above direction of this Court, the 1st respondent passed appropriate orders in the revision petition on 18.10.2019 by remanding the matter back to the 2nd respondent for proper disposal within a period of 3 weeks. In pursuance of the same, the 2nd respondent by proceedings dated 24.06.2020, rejected the petitioner's request on the ground that a case is pending before this Court in W.P.(MD)SR.No.37210 of 2016 and an appeal before the learned Subordinate Judge, Kumbakonam as against the judgment in O.S.No.68 of 2006 is pending. As against the order dated 24.06.2020, the petitioner is before this Court.

4.From the above narrative, it could be seen that the petitioner is aggrieved by the order of the 2nd respondent and as against the same, an effective alternative remedy is available by way of filing a revision before the 1st respondent under the provisions of the Tamilnadu Patta Passbook Act, 1983. Without exhausting the alternative remedy that is made available in the Act, it is certainly not open to the petitioner to rush to this Court at this stage.

5.This Court has time and again held that in respect of patta matters, proper remedies that are made available in the Act need to be exhausted as the Revenue Authority alone is the competent authority to pass appropriate orders in respect of grant, transfer and change of patta etc. Unless all the remedies are exhausted, the writ petition cannot be entertained by this Court even assuming that the same is maintainable only after the exhaustion of the remedies under the Act. In any event, as far as the case on hand is concerned, the petitioner has not exhausted the revisional remedy available under the Act and therefore, this writ petition cannot be entertained by this Court at this stage.

6.For the above said reasons, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021
Sub Assistant Registrar(CS)

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To
1.The District Revenue Officer,
Thanjavur District, Thanjavur.

2.The Revenue Divisional Officer,
Kumbakonam,
Thanjavur District.

3.The Sub Collector,
Kumbakonam, Thanjavur District.

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-10413[F] dated 11/03/2021)

+1 CC to M/s.SPL GP (SR-10923[F] dated 12/03/2021)

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