



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.03.2021**

CORAM

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

W.P. (MD) No.5534 of 2021

and

W.M.P. (MD) Nos.4384 & 4386 of 2021

WEB COPY

R.Thangavelu

.. Petitioner

Vs

1.The Zonal Deputy Tahsildar,
Karur Taluk,
Karur District.

2.Kaliyanna Gowtham

.. Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the 1st respondent in his proceedings in T.R.2020/0103/14/120274TR dated 08-03-2020 and quash the same as illegal and arbitrary so far as it relates to S.F.No.357, 358 and 265A of Thirumanilayur Village, Karur Taluk, Karur District.

For Petitioner : Mr.K.Suresh

For R1 : Mr.C.Ramesh

Special Government Pleader

ORDER

The case of the petitioner is that the property to an extent of 0.39 acre in S.F.Nos.357 and 358 situated at Thirumanilayur Village, Karur Taluk and District was purchased by him on 01.09.2003 from the father of the 2nd respondent, who executed a registered sale deed as a power agent of K.Dhanababu. According to the petitioner, he has been in possession and enjoyment of the property without any interruption and a patta has also been issued in his favour in patta No.587. The petitioner has also purchased further extent of 0.91 acre in the very same survey number and the property in turn had been sold to third parties and their names have also been included in the patta.

2.While matter stood thus, the petitioner had come to know that the name of the 2nd respondent has been included in patta Nos.587 and 593 along with the petitioner's name. The petitioner found that the name of the 2nd respondent has been wrongly included and the entries had been altered. Challenging the same, the present writ petition has been filed.

3.This Court is unable to appreciate as to how such writ



petition could be entertained by this Court when under the provisions of the Tamilnadu Patta Passbook Act, 1983, when an appeal remedy is available, which would lie before the Revenue Divisional Officer concerned and further a revision would also lie before the District Revenue Officer concerned. Instead of exhausting the effective alternative remedies that are available under the Act, the petitioner has approached this Court for change of patta entries. This Court would certainly not undertake investigation of any factual controversies qua parties in a writ jurisdiction under Article 226 of the Constitution of India. In a dispute of this nature, a factual investigation becomes necessary, which cannot be a subject matter of adjudication in the writ jurisdiction.

4.This Court will not grant any direction or quash any order of the authority on the basis of appreciation of factual competing averments. Therefore, proper course for the petitioner is to exhaust the remedies that are available under the Act itself. The revenue authorities alone are competent to appreciate the case of the petitioner with reference to the records and the facts and not this Court at this stage.

5.For the above said reason, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

The Zonal Deputy Tahsildar,
Karur Taluk,
Karur District.

+1 CC to M/s.SPL GP (SR-11141[F] dated 15/03/2021)

+1 CC to M/s.K.SURESH, Advocate (SR-11585[F] dated 16/03/2021)

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