



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 25.03.2021

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

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W.P. (MD)No.6820 of 2021
and
W.M.P. (MD)No.5237 of 2021

1.Thomas
2.Joseph : Petitioners

Vs.

1.The Sub Collector,
Revenue Divisional Officer,
Ramanathapuram.
2.The Tahsildar,
Keelakarai, Ramanathapuram District.

3.Margaret Mary
4.Michal Thiyagarajan
5.Peulah Mithili
6.Mary Elisabeth : Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorari, to call for the records pertaining to the impugned order issued by the first respondent in Mu.Mu.A1/615/2018, dated .01.2021 signed on 25.01.2021 and quash the same.

For Petitioners :Mr.S.A.Ajmal Khan
For R1 and R2 :Mr.C.Ramesh
Special Government Pleader

ORDER

The case of the petitioners is that their Grandfather, one Durai Rajpillai purchased the properties situated in S.No.200/3, Periyapattinam Group, Keelakarai Taluk, Ramanathapuram Revenue Circle, Ramanathapuram, to an extent of 0.18.00 ares from one Muthumari Nadar and Thavamani Ammal, by a registered sale deed, dated 21.06.1944 vide D.No.2645/1944. The said Durai Rajpillai had one son Joseph John. The petitioners herein are sons of Joseph John and Philominal, Margaret Mary, Amelie are the daughters of the said Joseph John

2.The aforesaid properties had been sub divided and a separate
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patta has been issued in Patta Nos.567, 1164 and 795. The petitioners' patta bearing Nos.801 and 807 and the properties have been in enjoyment of the respective persons without any hindrance all along. According to the petitioners, the second petitioner constructed a house in S.No.807 in the year 2005.

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3.While so, the respondents 3 to 6 filed an application before the first respondent seeking cancellation of the patta granted in favour of the petitioners. In response to the application, a notice was issued directing the petitioners to attend an enquiry and according to the petitioners that they have attended the enquiry on 22.12.2020 and the hearing stood adjourned to 09.03.2021.

4.According to the petitioners that in between the last date of hearing and the present date of posting, the first respondent appears to have passed the impugned order on 25.01.2021 changing the patta in respect of some portions of the property in the name of the private respondents by including their names also. The petitioners, therefore, challenge the proceedings of the first respondent before this Court.

5.The learned Counsel for the petitioners reiterated the above facts and then submitted that the first respondent has unjustly and illegally passed the order and, in fact, there is also a discrepancy in regard to the survey numbers, while changing the patta in favour of the private respondents. The learned Counsel has attempted to take this Court through certain facts, which according to him are materials, to hold that the order passed by the first respondent is illegal.

6.This Court is not inclined to accept the arguments of the learned Counsel for the petitioners for the simple reason that as against the order of the first respondent, dated 25.01.2021, an effective revisional remedy is available before the District Revenue Officer concerned under the provisions of Tamil Nadu Patta Pass Book Act,1983. In an issue of this nature, it is always better for the petitioners to invoke the revisional remedy, as the revenue officials would alone competent enough to appreciate the competing claims of the parties on the basis of the records available with them. The revisional authority can also appreciate the case by considering all the factual controversies, which this Court cannot do in its exercise of writ jurisdiction.

7.In the above circumstances, the proper course for the petitioners is to approach the revisional authority provided under the provisions of Tamil Nadu Patta Pass Book Act,1983 and exhaust the alternative remedy before seeking to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.



8. For the aforesaid reasons, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (A.E.)

// True Copy //

Sub Assistant Registrar (CS)

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To

1. The Sub Collector,
Revenue Divisional Officer,
Ramanathapuram.
2. The Tahsildar,
Keelakarai, Ramanathapuram District.

1CC TO THE SPL GOVT PLEADER SR 13877

GS

04/05/2021

3P/4C

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25.03.2021