



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2021

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.10582 of 2020

and

W.M.P. (MD) Nos.9338 & 9339 of 2020

WEB COPY

N.Saravanan

.. Petitioner

vs

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Taluk Office,
Vadipatti Taluk,
Madurai District.

3.The Village Administrative Officer,
Kulasekarankottai Village,
Vadipatti Taluk,
Madurai District.

4.K.Senthilkumar

5.S.Saravanan

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned patta bearing No.2575 jointly issued in the name of the petitioner and his brother Ilangovan along with the 4th respondent and also the consequential impugned patta No.2816 issued in the name of the 5th respondent and quash the same as illegal, improper and arbitrary and consequently direct the 2nd respondent to include the property in Survey No.438/9 an extent of 35 cents (0.14.0 ares) situated at Kulasekarankottai Village, Vadipatti Taluk, Madurai District in patta No.1510 in the name of the petitioner and his brother, Ilangovan

For Petitioner : Mr.R.Murugan

For R1 to R3 : Mr.M.Karuppasamy
Government Advocate



For R4 : No appearance

For R5 : Mr.K.Sekar

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ORDER

Mr.M.Karuppasamy, learned Government Advocate appearing for the respondents 1 to 3 would submit that as against the impugned order passed by the 2nd respondent, there is an appeal provision before the Revenue Divisional Officer concerned and further an appeal / revision before the District Revenue Officer concerned. Instead of exhausting the normal channel provided under the Act, the petitioner has chosen to directly approach this Court by invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

2.When this Court confronted the learned counsel appearing for the petitioner as to why the petitioner has approached this Court directly instead of exhausting the effective alternative remedies provided under the Act, the learned counsel appearing for the petitioner is unable to give any convincing answer for this Court to entertain this writ petition directly.

3.At this stage, the learned counsel appearing for the petitioner sought liberty from this Court to approach the appropriate authority in the manner known to law to workout the petitioner's remedy.

4.In consideration of the pleadings of the learned counsel appearing for the petitioner, this Writ Petition is dismissed as being premature and also is not maintainable for the non exhaustion of the appeal remedy as provided under the statute. However, liberty is granted to the petitioner to approach the appropriate authority, in case, the petitioner is so advised. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (W)

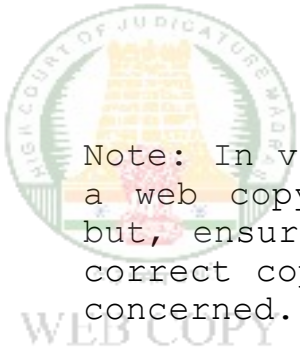
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/ /2021

Sub Assistant Registrar (CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Taluk Office,
Vadipatti Taluk,
Madurai District.

3.The Village Administrative Officer,
Kulasekarankottai Village,
Vadipatti Taluk,
Madurai District.

+1 CC to Mr.R.MURUGAN, Advocate (SR-1718[F] dated 21/01/2021)

+1 CC to SGP (SR-1667[F] dated 21/01/2021)

+1 CC to Mr.K.SEKAR, Advocate (SR-1537[F] dated 21/01/2021)

W.P. (MD) No.10582 of 2020
20.01.2021

KM (19.02.2021) 3P 7C