



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.11625 of 2021

and

W.M.P (MD) No.9136 of 2021

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V.Alagu Srinivasan

... Petitioner

Vs.

1.The Sub Divisional Magistrate-cum-
Sub Collector, Periyakulam,
Theni District.

2.The Tahsildar,
Office of Theni Taluk Office,
Theni District.

3.N.Kamuthurai

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings issued by the first respondent in Na.Ka.No.683/2021/A1, dated 15.04.2021 and quash the same and consequently directing the second respondent to maintain the name of the trust as Sangili Annan Temple Trust in the revenue records comprised in S.No.348/2 B situated at Seelayampatti Village, Theni District.

For Petitioner
For R1 & R2

: Mr.C.Jeganathan
: Mr.M.Lingadurai
Government Advocate

ORDER

This writ petition has been filed challenging the impugned order passed by the first respondent in proceedings, dated 15.04.2021 and for a consequential direction to the second respondent to maintain the name of the Trust, namely, Sangili Annan Temple Trust in the Revenue records in Survey No.348/2 B situated at Seelayampatti Village, Theni District..

2. Heard Mr.C.Jeganathan, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Government Advocate appearing for the respondents 1 & 2.



3. The writ petition has been filed mainly on the ground that the first respondent does not have the jurisdiction to deal with the application filed by the third respondent and the original jurisdiction under Section 10 of the Tamil Nadu Patta Passbook Act is vested only with the second respondent.

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4. The learned counsel appearing for the petitioner in order to substantiate his submission, relied upon the judgment of this Court in ***L.Sabjan & others vs. The District Collector, Krishnagiri District and others*** reported in ***2014-3-L.W.792***.

5. In the considered view of this Court, the judgment relied upon by the learned counsel appearing for the petitioner will not apply to the facts of the present case. In the judgment relied upon by the learned counsel appearing for the petitioner, this Court was dealing with a case where, the Revenue Divisional Officer was acting as an Original Authority and was usurping the jurisdiction of the Tahsildar who is vested with such jurisdiction under Section 10 of the Tamil Nadu Patta Passbook Act.

6. In the present case, the third respondent has approached the Revenue Divisional Officer seeking for cancellation of the patta issued in favour of the Trust. The first respondent was exercising the jurisdiction conferred under Section 12 of the Tamil Nadu Patta Passbook Act. Therefore, this Court does not find any lack of jurisdiction on the part of the first respondent.

7. Insofar as the merits of the case are concerned, this Court does not want to go into the same since there is an effective and alternative remedy available to the petitioner before the District Revenue Officer. This has been made clear even in the impugned order passed by the first respondent on 15.04.2021. In view of the same, it is left open to the petitioner to file a revision before District Revenue Officer and work out his remedy in accordance with law.

8. This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

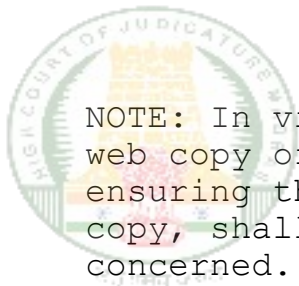
Assistant Registrar (CO)

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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.

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To

1.The Sub Divisional Magistrate-cum-
Sub Collector, Periyakulam,
Theni District.

2.The Tahsildar,
Office of Theni Taluk Office,
Theni District.

+1 CC to M/s.SPL GP (SR-22554[F] dated 14/07/2021)

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LR (22.07.2021) 3P 4C