



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD).No.11849 of 2021

and W.M.P. (MD).No.9303 of 2021

WEB COPY

B.Mohamed Ibrahim

...Petitioner

Vs.

1.The District Collector,
Tiruchirappalli Collector Office,
Raja Colony,
Tiruchirappalli District - 620 001.

2.The Revenue Divisional Officer,
Tiruchirappalli Collector Office Campus,
Raja Colony,
Tiruchirappalli District - 600 001.

3.The Tahsildar,
Tiruverumbur Taluk Office,
Cauvery Nagar 1st Street,
Tiruverumbur,
Tiruchirappalli District - 620 013. ... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the impugned order dated 16.12.2020 made in Na.Ka.No.A4/2137/2020, passed by the 3rd respondent herein and quash the same as illegal and devoid of merits and consequently direct the 3rd respondent to issue patta to the Hiba Beneficiaries including the petitioner in respect of the property bearing S.No.34 (Part) and 35 situated at Kumbakudi and Velayuthamkodi Village, Thiruverumbur Circle, Tiruchirappalli District forthwith.

For Petitioner : Mr.S.Palani Velayutham

For Respondents : Mr.M.Lingadurai
Government Advocate

ORDER

This writ petition has been filed challenging the impugned proceedings of the third respondent, dated 16.12.2020 and for a consequential direction to the third respondent to issue patta to the petitioner with respect to the subject property.

2.Heard Mr.S.Palani Velayutham, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Government Advocate, appearing for the respondents.



3. In the considered view of this Court, there is an appellate remedy provided to the petitioner as against the order passed by the third respondent. This Court will exercise its jurisdiction only if the order has been passed without jurisdiction or it has been passed without affording opportunity. In the present case, the order deals with a lot of facts and some reasons are given for rejecting the application made by the petitioner. Therefore, the petitioner has to necessarily avail the appellate remedy before the second respondent. This Court is not inclined to entertain the present writ petition.

4. In view of the above, there shall be a direction to the petitioner to file an appeal before the second respondent, within a period of two weeks from the date of receipt of a copy of this order. The second respondent on receipt of the same shall afford opportunity to all parties concerned and shall pass final orders, within a period of eight weeks after the filing of the appeal by the petitioner.

5. During the pendency of the appeal, status quo shall be maintained in the revenue records.

6. This writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

TM

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,
Tiruchirappalli Collector Office,
Raja Colony,
Tiruchirappalli District - 620 001.



2.The Revenue Divisional Officer,
Tiruchirappalli Collector Office Campus,
Raja Colony,
Tiruchirappalli District - 600 001.

3.The Tahsildar,
Tiruverumbur Taluk Office,
Cauvery Nagar 1st Street,
Tiruverumbur,
Tiruchirappalli District - 620 013.

+1 CC to M/s.SPL GP (SR-22966[F] dated 16/07/2021)

**W.P. (MD) .No.11849 of 2021
15.07.2021**

RKN (29.07.2021) 3P 5C