



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAISWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.15516 of 2021

and W.M.P(MD)No.12443 of 2021

WEB COPY

R.Baranidaran

... Petitioner

Vs.

- 1.The District Collector,
Collectors Office,
Raja Colony, Trichy District.
- 2.The Deputy Revenue Officer,
Collectors Office,
Raja Colony,
Trichy District.
- 3.The Thasildar,
Musiri Taluk, Trichy District.
4. The Village Administrative Officer,
Mavillipatty Village,
Musiri Taluk,
Trichy District.
- 5.The President,
Mavillipatty Panchayath Board,
Mavillipatty Village,
Trichy District.
- 6.T.Thirupathi

7.T.Manidhas

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for records relating to the proceedings of the impugned order of the second respondent passed on 10.08.2021 vide order in Na.Ka.A2/11269/2021 and quash the same as illegal and further directing the respondents not to alienate the petitioner from survey No.240/1 and 248/5 classifying him as an encroacher.

For Petitioner

: Ms.Chamundi Bose

For RR 1 to 5

: Mr.B.Saravanan

Government Advocate



ORDER

(Order of the Court was made by **M.DURAISWAMY, J.**)

The petitioner has filed the above Writ Petition to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the impugned order of the second respondent dated 10.08.2021 and to quash the same and consequently directing the respondents not to alienate the petitioner from Survey No.240/1 and 248/5 classifying him as an encroacher.

2.Mr.B.Saravanan, learned Government Advocate takes notice for the respondents 1 to 5.

3.In an appeal filed under Section 12 of the Tamil Nadu Patta Pass Book Act, 1983 before the second respondent, the appellate authority cancelled the patta issued in favour of the petitioner and directed the authorities to initiate the proceedings under the Tamil Nadu Land Encroachment Act, 1905 for removing the encroachment made by him. Challenging this order, the petitioner has filed the above Writ Petition.

4.When the petitioner has got alternate remedy by way of a revision under Section 13 of the Tamil Nadu Patta Pass Book Act 1983, the petitioner has filed the present Writ Petition challenging the order passed by the second respondent under Section 12 of the Tamil Nadu Patta Passbook Act, 1983.

5.When the petitioner has got alternate and efficacious remedy available to him under Section 13 of the Act, we are not inclined to entertain the Writ Petition. Accordingly, the Writ Petition is disposed of giving liberty to the petitioner to file a revision before the revisional authority. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps

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,
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Trichy District.

2.The Deputy Revenue Officer,
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Trichy District.

3.The Thasildar,
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4. The Village Administrative Officer,
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Musiri Taluk,
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5.The President,
Mavillipatty Panchayath Board,
Mavillipatty Village,
Trichy District.

+1 CC to M/s.SPL GP (SR-27877[F] dated 02/09/2021)

W.P (MD) No.15516 of 2021
31.08.2021

ES (CO)
SB(08.09.2021) 3P 7C