



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

WEB COPY

W.P(MD).No.16139 of 2021

and

W.M.P.(MD).No.13006 of 2021

Ravi

... Petitioner

Vs.

1.The Thasildar,
Kadaladi Taluk,
Ramanathapuram District.

2.The Revenue Divisional Officer,
Parapakkum,
Ramanathapuram District.

3.The District Revenue Divisional officer,
Ramanathapuram District,
Ramanathapuram.

4.Selvaraj

5.V.Kani

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order of the second respondent dated 01.06.2021 in Pa.Mu.(A6)/621/2020 and quash the same as illegal and ultravires and consequently direct the first respondent not to effect any change in the records.

For Petitioner : Ms.N.Vijayalakshmi

For Respondents : Mr.K.S.Selvaganesan

Counsel for the State for R1 to R3

ORDER

The petitioner challenges an order dated 01.06.2021 of the Revenue Divisional Officer, Paramakudi, Ramanathapuram District.

2. According to the petitioner, the property bearing Survey No.83/1 measuring 5.82 acres originally belonged to one Muthunadar. The father of the petitioner, namely, Muthuthevar purchased such property from one Koilpitchai by a registered sale deed dated 03.04.1995. The petitioner states that the impugned order was issued by the second respondent and that such impugned order is liable to be interfered with because the 2nd respondent directed that the names



of persons who are no longer owners of the property be registered in the patta.

3. Mr.K.S.Selvaganesan, learned counsel for the State, accepts notice on behalf of respondents 1 to 3. He points out that the impugned order may be challenged by way of a revision petition under Section 13 of the Tamil Nadu Patta Passbook Act 1983.

4. Upon examining the impugned order, it is clear that the petitioner was provided a reasonable opportunity of hearing. As such, the challenge is not on the decision making process. Instead, the challenge is to the merits of the decision. The order impugned itself indicates that a person aggrieved may approach the District Revenue Officer, Ramanathapuram within a period of 30 days. When the merits of a decision are challenged in spite of the existence of an alternative statutory remedy, there is no reason to exercise discretionary jurisdiction.

5. Section 13 of the Tamilnadu Patta Passbook Act enables the filing of a revision petition against the order passed by an appellate authority. Rule 15 of the Tamilnadu Patta Passbook Rules 1987 enables the condonation of delay if the revision petition is filed beyond the 90 day period specified for such purpose.

6. In the case at hand, the petitioner has bona fide approached this Court to challenge the order of the Revenue Divisional Officer. Therefore, the petitioner is permitted to file a revision petition within a period of 15 day from the date of receipt of a copy of this order. If such revision petition is filed within the said 15 day period, the District Revenue Officer concerned is directed to receive such petition without reference to limitation and dispose of the same on merits within a period of 4 months from the date of receipt thereof. In view of the fact that the merits of the matter have not been gone into, the writ petition is disposed of without notice to the private respondents.

7. W.P.(MD).No.16139 of 2021 is disposed of on these terms without any order as to costs. Consequently, connected W.M.P.(MD).No.13006 of 2021 is closed.

Sd/-

Assistant Registrar (W)

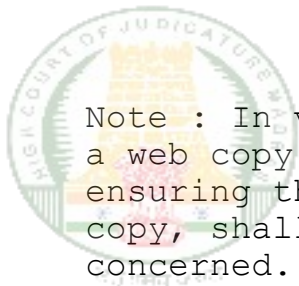
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/ /2021

Sub Assistant Registrar(CS)

sbn

<https://hcservices.ecourts.gov.in/hcservices/>



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 Thasildar,
Kadaladi Taluk,
Ramanathapuram District.
- 2.The Revenue Divisional Officer,
Parapakkum,
Ramanathapuram District.
- 3.The District Revenue Divisional officer,
Ramanathapuram District,
Ramanathapuram.

+1 CC to M/s.N.VIJAYALAKSHMI, Advocate (SR-28863[F] dated 13/09/2021)

+1 CC to M/s.SPL. GP (SR-28943[F] dated 14/09/2021)

W.P (MD) .No.16139 of 2021
and

W.M.P. (MD) .No.13006 of 2021
09.09.2021

KS (CO)
KB (24.09.2021) 3P 6C