



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 19.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE **V.PARTHIBAN**

W.P. (MD)No.18909 of 2020

and

W.M.P. (MD) Nos.15842 and 15843 of 2020

WEB COPY

K.Surulivel

... Petitioner

- Vs -

1.The District Collector,
Theni District.

2.The Tahsildar,
Uthamapalayam Taluk,
Theni District.

3.Murugesan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating with the order of the second respondent made in Na.Ka.No.8364/2019/A2, dated 07.10.2020, and quash the same as it is arbitrary and illegal and in consequence to direct the second respondent to restore the patta No.239/4, for the land admeasuring 0.45.0 Ares in S.No.239/4 in Mallingapuram @ Anamalayanpatti Village, Uthamapalayam Taluk, Theni District in the name of the petitioner and to issue joint patta along with the name of the third respondent.

For Petitioner

: Mr.R.Suriyanarayanan

For Respondents

: Mr.M.Karuppasamy

1 and 2

Government Advocate

ORDER

The grievance of the petitioner herein is that the second respondent has passed an order, which is impugned in this Writ Petition, by including the name of the third respondent in the patta for the land in question.

2.According to the learned Government Advocate appearing for the respondents 1 and 2, as against the order passed by the second respondent, an appeal lies to the Revenue Divisional Officer and further revision to the District Revenue Officer and without exhausting the remedies, the petitioner has approached this Court and invoked the extraordinary jurisdiction of this Court unnecessarily and needlessly.

3.The learned Counsel appearing for the petitioner would stoutly submit that it is not the grievance of the petitioner that



his claim for issuance of patta was rejected in which case he can avail the appeal remedy but the grievance of the petitioner is for issuance of joint patta and therefore, the Writ Petition is the only remedy against such decision.

4.This Court is unable to appreciate the submission as to how against the order of Tahsildar only Writ Proceedings will lie. In any case, as submitted by the learned Government Advocate appearing for the respondents 1 and 2 that any order passed by the Tahsildar including the name of any person in the patta, the appeal lies to the Revenue Divisional Officer. In this case also it is open to the petitioner to approach the appellate authority and seek appropriate remedy and he cannot bypass the effective alternative remedy and directly approach this Court.

5.This Court is in agreement with the submission of the learned Government Advocate appearing for the respondents 1 and 2. When effective appeal remedies are available for passing correctional orders, it is certainly not open to the petitioner to knock the doors of this Court for a judicial remedy. In fact, it is always better for the petitioner to approach the appropriate authority wherein the authority can not only appreciate the legal position but also appreciate the factual dispute as between the parties to the claim. The authority, namely, either the Revenue Divisional Officer or District Revenue Officer alone is competent to look into the grievance of the petitioner and take a call at this stage.

6.This is more so when such adjudication would normally call for interference of this Court and the factual dispute cannot be undertaken by this Court in the exercise of its extraordinary jurisdiction. Therefore, the attempt by the petitioner to invoke the jurisdiction of this Court, without exhausting the alternative remedies which are effectively available, is to be discouraged and to be discountenanced.

7.The Writ Petitions is, therefore, dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (RTI Act)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SRM



To

1.The District Collector,
Theni District.

2.The Tahsildar,
Uthamapalayam Taluk,
Theni District.

+1 CC to M/s.SPL GP (SR-1357[F] dated 20/01/2021)

W.P (MD) No.18909 of 2020
19.01.2021

SV2 (CO)

KB (08.02.2021) 3P 4C