



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 17.02.2021

CORAM:

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

W.P. (MD)No.19649 of 2020

and

W.M.P. (MD) Nos.16376 and 16377 of 2020

K.Ganeshan

... Petitioner

- Vs -

1.The Tahsildar, Madurai North Taluk,
Madurai District.

2.Geetha

... 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 pertaining to the impugned order of the first respondent in T.R.No.2020/0103/24/144215TR dated 07.12.2020 and quash the same as illegal and direct the first respondent issue patta to the petitioner.

For Petitioner : Mr.M.Palani

For Respondent No.1 : Mr.C.Ramesh

Special Government Pleader

ORDER

The case of the petitioner is that he is a retired bank employee and was owning immovable property in plot No.22, Jesudas Nagar, Silayaneri Village, Koodal Nagar, Madurai. The petitioner appears to have purchased the property through a registered Document No.4836 of 2018. In that property, the petitioner's family was running a business of water wash service of automobiles in the name and style of Pigeon Car Water Wash Service. In order to improve the business, the petitioner appears to have borrowed huge amount from various persons.

2.While the matter stood thus, the first respondent appears to have passed an order on 07.12.2020 transferring the patta in the name of the second respondent. According to the petitioner, he has approached the first respondent Tahsildar to cancel the patta. Besides, the petitioner has also averred that a suit is also pending in O.S.No.98 of 2020 before the Taluk Munsif Court, Madurai. Simultaneously, the present Writ Petition has also been



07.12.2020.

3.This Court finds that in entirety the averments contained in the affidavit are jumbled up and disjointed and did not make out any cohesive case as to the maintainability of the Writ Petition in challenging the order passed by the first respondent dated 07.12.2020. The averments are too sketchy and do not disclose any specific cause of action for the petitioner to invoke the extraordinary jurisdiction of this Court calling for its intervention at this stage.

4.In any case, if at all the petitioner has any legitimate grievance against the impugned order of the first respondent, under the provisions of the Tamil Nadu Patta Passbook Act, the petitioner has effective alternative remedies of appeal and also a revision before the higher authorities in the revenue department. Instead of approaching the revenue authorities for redressing his grievance, the petitioner has rushed to this Court directly by assailing the orders passed by the Tahsildar, first respondent herein. This Court has time and again held that when alternative remedies are available under relevant statute, unless a litigant exhausted such alternate remedies, it is not open him to invoke extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. In such view of the matter, the present Writ Petition is also to be held as not maintainable.

5.In the above circumstances, the Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SRM

To

The Tahsildar, Madurai North Taluk,
Madurai District.

+1 CC to M/s.M.PALANI, Advocate (SR-5700[F] dated 17/02/2021)
+1 CC to M/s.SPL GP (SR-5929[F] dated 18/02/2021)

W. P (MD) No. 19649 of 2020

17.02.2021

KG(CO)

TP(03.03.2021) 2P 4C
<https://hservices.ecourts.gov.in/hservices/>