



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.A(MD)No.1980 of 2021

and

C.M.P(MD)No.8962 of 2021

Shanmugavel

... Appellant/Petitioner

Vs.

The Revenue Divisional Officer,
Palani,
Dindigul District.

... Respondent/Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order, dated 12.10.2021 made in W.P(MD)No.18774 of 2021 on the file of this Court.

Prayer in WP(MD). 18774/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorari calling for the records relating tot he impugned order of the respondent through his proceedings in Na.Ka.No.4668/2021/A6 dated 06-10-2021 and quash the same.

For Appellant : Mr.D.Venkatesh

For Respondent : Mr.P.Thilak Kumar
Government Pleader

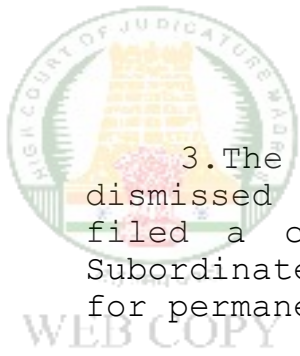
JUDGMENT

(Judgment of the Court was delivered by
M.DURAI SWAMY, J.)

Challenging the order passed in W.P(MD)No.18774 of 2021 dated 12.10.2021, the writ petitioner has filed the above Writ Appeal.

2.The appellant has filed the Writ Petition to issue a Writ of Certiorari, to call for the records relating to the impugned order of the respondent dated 06.10.2021 and to quash the same.

<https://hccvictor.courts.gov.in/cases/>



3.The learned Single Judge, by order dated 12.10.2021, dismissed the Writ Petition finding that the appellant had already filed a civil suit in O.S.No.243 of 2021 on the file of the Subordinate Court, Palani, seeking for the relief of declaration and for permanent injunction.

4.Mr.P.Thilak Kumar, learned Government Pleader appearing for the respondent submitted that the impugned order dated 06.10.2021 passed by the respondent was on the appeal filed before her under Section 12 of the Tamil Nadu Patta Passbook Act, 1983, hence, the appellant has got remedy by way of a revision under Section 13 of the Tamil Nadu Patta Passbook Act, 1983.

5.Since the appellant has filed the Writ Petition without exhausting the alternate remedy by way of a revision under Section 13 of the Tamil Nadu Patta Passbook Act, 1983, we are not inclined to interfere with the order passed by the learned Single Judge. Accordingly, the Writ Appeal is dismissed. It is open to the appellant to challenge the impugned order dated 06.10.2021 passed by the respondent under the provisions of the Tamil Nadu Patta Passbook Act, 1983. In the event of the appellant filing a revision before the revisional authority under Section 13 of the Tamil Nadu Patta Passbook Act, 1983 and in the event of the appellant filing a stay petition before the revisional authority, it is open to the revisional authority to decide the stay petition as expeditiously as possible. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

// 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

The Revenue Divisional Officer,
Palani,
Dindigul District.

WEB COPY

+1 CC to M/s.SPL.GP (SR-33353[F] dated 01/11/2021)

W.A(MD)No.1980 of 2021
29.10.2021

MGJ/JGB(01.11.2021) 3P 3C