



BEFORE THE MADURAI BENCH OF MADRAS HIGH Court

DATED: 24.06.2021

CORAM:

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P. (MD) No.16980 of 2015

and M.P. No.1 of 2015

(Through Video Conferencing)

R. Ravi

... Petitioner

Vs.

1. The District Collector
Kanyakumari District
Nagercoil

2. The Revenue Divisional Officer,
Padmanabhapuram Division,
Thucklay,
Kanyakumari District.

3. The Tahsildar,
Kalkulam Taluk,
Thucklay Post,
Kanyakumari District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari and Mandamus to call for the records of the 3rd respondent made in Na.Ka.No.A5/6503/2015 dated 16.07.2015 and quash the same as devoid of merits and consequently direct the respondents to demarcate the property in S.No.811/12 of Thiruvattar Village, an extent of 5 cents and issue patta in the name of the Thiruvattar Hindu Munnani within the time stipulated by this Court.

For Petitioner : Mr. H. Velavadas

For Respondents : Mr. R. Suresh Kumar
Government Advocate

ORDER

This writ petition has been filed challenging the impugned order passed by the third respondent through proceedings dated 16.07.2015 and for a consequential direction to the respondents to demarcate the property and issue patta in the name of the organization.

2. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

3. The third respondent, through the impugned proceedings dated 16.07.2015, has come to a conclusion that the petitioner has not submitted the requisite documents to establish his right and therefore, the request for issuance of patta in favour of the



organization cannot be considered.

4. As against the order passed by the third respondent, the petitioner ought to have filed an appeal before the second respondent and worked out his remedy. Instead, the present writ petition has been filed before this Court.

5. When there is an efficacious alternative remedy, the petitioner has to necessarily exhaust the remedy and only thereafter knock the doors of this Court.

6. In view of the above, there shall be a direction to the petitioner to submit the appeal before the second respondent against the proceedings of the third respondent dated 16.07.2015, within a period of two weeks from the date of receipt of a copy of this order. The second respondent, on receipt of the same, shall conduct an enquiry after affording an opportunity to all the parties concerned and shall pass final orders within a period of twelve weeks from the date of filing of the appeal by the petitioner. It is made clear that if the petitioner fails to file the appeal within the time stipulated by this Court, the second respondent need not entertain the appeal and the same can be closed at the threshold.

7. This writ petition is disposed of with the above directions. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

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
Kanyakumari District
Nagercoil

2.The Revenue Divisional Officer,
Padmanabhapuram Division,
Thuckalay,
Kanyakumari District.

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



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3.The Tahsildar,
Kalkulam Taluk,
Thuckalay Post,
Kanyakumari District.

+1 CC to M/s.SPL GP (SR-20319[F] dated 25/06/2021)

W.P. (MD) No.16980 of 2015
24.06.2021

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