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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.23743 OF 2013

AND

M.P.NOS.1 OF 2013 AND 1 OF 2015

N.Kandasamy

... Petitioner

.Vs.

1. The District Collector,
Namakkal District,
Namakkal.

2. The District Revenue Officer,
Namakkal,
Namakka District.

3. The Tahsildar,
Tiruchengode Taluk,
Tiruchengode,
Namakkal District.

4. Palanisamy

... Respondents

PRAYER:-

The Writ Petition filed under Section 226 of Constitution of India, pleaded to issue a Writ of Certiorari calling for the entire records relating to the impugned order passed by the 3rd Respondent in his proceedings Na.Ka.6696/2013/A6, dated 02.08.2013 and quash the same.

For Petitioner : Mr.C.Prakasam

For RR1 to 3 : Mr.G.Nanmaran
Special Government Pleader

For RR4 : Mr.V.S.Kesavan



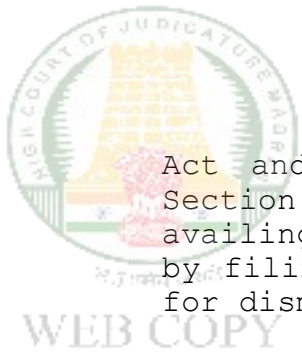
O R D E R

The petitioner has filed this petition for issuance of writ of Certiorari to call for the entire records relating to the impugned order passed by the 3rd respondent in his proceedings Na. Ka. 6696/2013/A6 dt 2.8.2013 and quash the same.

2. The case of the petitioner is that the petitioner had purchased 9 ½ cents of land situated in S.F.No.488/1, Anagur Village, Trichengode Taluk, Namakkal District, under Sale Deed dated 13.09.1991 and constructed a small unit and running power loom business and eking out livelihood from the income derived from the said business. The 4th respondent herein had purchased adjacent land and when the revenue officials issued patta in favour of the petitioner and in favour of the 4th respondent and given sub division number for S.Nos.488/1A1, 488/1A2 and 488/1A3, had mistakenly noted the measurement of the extent of the petitioner's land as 7 ½ cents instead of 9 ½ cents but in the 4th respondent measurement as 11 cents instead of 3 ½ cents. In this connection, the petitioner made written representation to the respondents 1 to 3 on several occasions and finally on 01.02.2013, to measure the petitioner's land and adjacent land belonging to the 4th respondent and carry out the corrections in respect of extent of land in the revenue records, but no order was passed. Hence, the petitioner has approached this Court by filing W.P.No.4412 of 2013 and this Court vide order dated 22.02.2013, directed the 3rd respondent to consider his written representation. After that, the 3rd respondent came with Taluk Surveyor and measured his land as well as 4th respondent land and found that the sub division has been wrongly given and orally informed that necessary corrections will be carried out in the records. However, to the shock and surprise, the petitioner had received the impugned order passed by the 3rd respondent dated 02.08.2013, stating that the petitioner accepted the sub division for his land to the extent of 7 ½ cents. Aggrieved by the same, the present petition is filed.

3. The learned counsel appearing for the petitioner submitted that the petitioner has never given any statement for accepting for relinquish of his 2 cents of land for making entry in the revenue records. It is the further submission of the learned counsel for the petitioner that the revenue authorities has no power to decide the title, only the competent Court can decide the title and hence the order of the 3rd respondent is perverse and accordingly prays for allowing of this petition.

4. The learned Special Government Pleader appearing for the official respondents submitted that as against the order passed by the 3rd respondent, there is an effective alternative remedy is available under Section 12 of the Tamil Nadu Patta Passbook



Act and thereafter before the District Revenue Officer under Section 13 of the said Act. However, the petitioner without availing the said remedies, straight away approached this Court by filing the writ petition, is not justifiable and hence prays for dismissal of this petition.

5. As pointed out by the learned Special Government Pleader, the petitioner had effective remedy before the competent authority and without availing the said remedies, filing writ petition seeking quashment of the impugned order is not sustainable. Hence, the petitioner is directed to file appropriate petition before the Revenue Divisional Officer under Section 12 of the Tamil Nadu Patta Passbook Act, for redressal of his grievance.

6. This Writ Petition is disposed of with the above observations. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Namakkal District,
Namakkal.
2. The District Revenue Officer,
Namakkal,
Namakka District.
3. The Tahsildar,
Tiruchengode Taluk,
Tiruchengode,
Namakkal District.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.14057
+1cc to the Government Pleader, S.R.No.14612

W.P.NO.23743 OF 2013

NMI (CO)
PBS/24/03/2022