



W.P.No.26540 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 29.09.2022

CORAM

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.26540 of 2022

and

W.M.P.No.25597 of 2022

G. Mooventhan

... petitioner

-Vs-

1. The District Collector,
Tiruvarur District,
Tiruvarur.

2. The District Revenue Officer,
Tiruvarur, Tiruvarur District.

3. The Revenue Divisional Officer,
Mannargudi, Tiruvarur District.

4. U. Vaireswaran

5. U. Rajeswaran

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified mandamus to call for the records of the 3rd Respondent in Ni.Mu.P.Maa.6425/2021/AA1 dated 12.07.2022 and to quash the same with consequential direction to the 3rd respondent and to restore patta no.39 stood in the petitioner's name in S.No.172/3, Kottur Village, Mannargudi Taluk and pass orders.

For petitioner : Mrs. K. Jenitha

For Respondents : Mr.T.K.Saravanan

Government Advocate



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ORDER

This writ petition is filed seeking for a Writ of Certiorarified mandamus to call for the records of the 3rd Respondent in Ni.Mu.P.Maa.6425/2021/AA1 dated 12.07.2022 and to quash the same with consequential direction to the 3rd respondent and to restore patta no.39 stood in the petitioner's name in S.No.172/3, Kottur Village, Mannargudi Taluk.

2. The petitioner has challenged the proceedings of the 3rd Respondent/ The Revenue Divisional Officer in this writ petition. On going through Section 13 of Tamil Nadu Patta Pass Book Act, 1983 it is made clear that there is a remedy available to the petitioner to file a Revision before the concerned authority and the relevant provision is extracted hereunder:

“Any officer of the Revenue Department not below the rank of District Revenue officer authorised by the Government, by notification in this behalf for such area as may be specified in the notification, may of his own motion or on the application of a party call for and examine the records of any Tahsildar or appellate authority within his jurisdiction in respect of any proceeding under this Act and pass such order as he may think fit:

Provided that no such order prejudicial to any person shall be made unless he has given a reasonable opportunity of making his representation.”



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3. On a fair reading of the above, this Court is of the view there is a alternate available to the petitioner to file an appeal under Section 13 of Tamil Nadu Patta Pass Book Act, 1983. Accordingly this writ petition is dismissed. However, the petitioner is granted liberty to file a Revision under Section 13 of Tamil Nadu Patta Pass Book Act, 1983 within a period of two weeks from the date of receipt of a copy of this order and if such Revision is filed, the authority concerned shall dispose the same within a period of twelve weeks from the date of filing of such appeal. No costs. Consequently connected miscellaneous petition is closed.

29.09.2022

Index : Yes/No

Internet:Yes/No

Speaking Order : Yes/No

smn

To

1. The District Collector,
Tiruvarur District,
Tiruvarur.
2. The District Revenue Officer,
Tiruvarur, Tiruvarur District.
3. The Revenue Divisional Officer,
Mannargudi, Tiruvarur District.



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M.DHANDAPANI,J.

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