



W.P.No.33403 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.33403 of 2022
and W.M.P.No.32829 of 2022

1.Dr.D.C.Pandurangan
2.Thangadurai

.... Petitioners

-Vs-

1.The Collector
Dharmapuri District
Dharmapuri-636 701.

2.The Joint Commissioner
Hindu Religious and Charitable Endowments
Department (HR& CE), Salem-636 001.

3.The District Revenue Officer (DRO)
Dharmapuri District,
Dharmapuri – 636 701.

4.The Revenue Divisional Officer
Dharmapuri – 636 701.

5.The Tahsildar
Dharmapuri Taluk
Dharmapuri District.

6.The Executive Officer
Kottai Kakchiammal Koyil
Dharmapuri – 636 701.

.... Respondents



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Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned order in Ni.Mu.4237/2022/A(4) dated 28.09.2022 passed by the 4th respondent herein and to quash the same, consequently direct the 4th respondent to restore patta in the names of petitioners jointly and grant such other suitable reliefs.

For Petitioner : Mr.C.Umashankar

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader
- for RR 1 and 3 to 5
Mrs.Tamizhselvi
Additional Government Pleader
-for RR 2 and 6

ORDER

The prayer sought for herein is for a Writ of Certiorarified Mandamus calling for the records of the impugned order in Ni.Mu.4237/2022/A(4) dated 28.09.2022 passed by the 4th respondent herein and to quash the same, consequently direct the 4th respondent to restore patta in the names of petitioners jointly and grant such other suitable reliefs.

2. As against the order passed by the 4th respondent Revenue Divisional Officer / Sub Collector, Dharmapuri District, under which the patta stood in the name of the petitioner has been cancelled, the petitioner has moved the present writ petition.



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3. Heard Mr.C.Umashankar learned counsel for the petitioner who would submit that, by virtue of this order, ie., the order impugned dated 28.09.2022 the electricity service connection already been enjoyed by the petitioner has been cut off. Therefore, it is an imminent urgency for the petitioner to seek for urgent relief and therefore he has moved this writ petition invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution, instead of filing a revision before the District Revenue Officer under Section 13 of the Patta Passbook Act.

4. Heard Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents, who would submit that at the earliest if a revision is filed before the District Revenue Officer, that would be considered by him on merits and in accordance with law and in this regard, if any interim arrangement is required, that can also be pleaded before the revisional authority. Hence, on this ground the writ petition cannot be filed against the order passed by the Revenue Divisional Officer/ Sub Collector as in this case. Therefore, on that ground the writ petition cannot be entertained, he contended.

5. I have considered the rival submissions made by the learned counsel for both sides and have perused the materials placed on record.

6. As has been rightly pointed out by the learned Special Government



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Pleader, as against the impugned order dated 28.09.2022 passed by the 4th respondent, there is a revision available before the District Revenue Officer and that has been indicated in the impugned order itself that within 30 days the petitioner can file a revision before the District Revenue Officer ie., the 3rd respondent herein.

7. When such an alternative effective statutory remedy is available, that can very well be invoked by the petitioner, without which if the petitioner invokes the extraordinary jurisdiction of this Court under Article 226 of the Constitution, normally such kind of writ petition would not be entertained.

8. However, the learned counsel for the petitioner submits that, some urgent interim arrangement has to be made because the electricity service connection having been cut off pursuant to the impugned order since it being an essential amenity, this Court feels that while relegating the parties ie., the petitioner to go before the District Revenue Officer to file a revision, some interim arrangement in the meanwhile can be made.

9. In that view of the matter, this Court is inclined to dispose of this writ petition with the following order.



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- That the petitioner is hereby relegated to approach the 3rd respondent District Revenue Officer to file a revision against the order impugned dated 28.09.2022 passed by the 4th respondent within three weeks from the date of receipt of a copy of this order.
- It is further open to the petitioner to make an application in this regard along with the revision to seek for an interim arrangement before the District Revenue Officer and if any such application that shall be decided by giving priority to that application seeking amenity like electricity service connection.
- Moreover, the very revision itself shall be considered and decided by the District Revenue Officer by giving notice to both the parties and after hearing them, pass appropriate orders on merits and in accordance with law within a period of eight weeks from the date of receipt of the revision filed by the petitioner.
- Till the petitioner approaches the District Revenue Officer as indicated above and seek for interim arrangement, there shall be a direction to the respondents to maintain status quo in respect of the property in question covered under the impugned order.

10. With the above directions, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed. Registry is directed to



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return back the original impugned order dated 28.09.2022 to the learned counsel for the petitioner, after retaining a photocopy of the same and after getting due acknowledgement from the learned counsel on record.

12.12.2022

Index : Yes/No

Internet : Yes/No

KST

Note : Issue order copy by 14.12.2022

To

- 1.The Collector
Dharmapuri District, Dharmapuri-636 701.
- 2.The Joint Commissioner
Hindu Religious and Charitable Endowments
Department (HR& CE), Salem-636 001.
- 3.The District Revenue Officer (DRO)
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R. SURESH KUMAR, J.

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