



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.2931 of 2022

K.Shanmugam

... Petitioner

/Vs./

1.The Tahsildhar,
Palani Taluk Office,
Palani Taluk, Palani.

2.The District Collector,
Dindigul District, Dindigul.

3.Kuppusamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned order passed by the 1st respondent in Letter No.RTR 3625/2018/Aa2 dated 31.05.2019 and quash the same as illegal and consequently direct the respondents to accept the petitioner's application/representation dated 05.09.2018 to issue the Patta in favour of Petitioner.

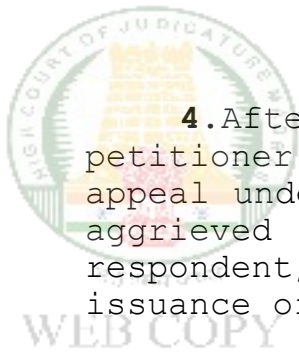
For Petitioner : Mr.S.Ponsaravanan
For R1 & R2 : Mr.D.Sasikumar
Additional Government Pleader

ORDER

This writ petition has been filed challenging the order dated 31.05.2019 passed by the first respondent rejecting the petitioner's application seeking for issuance of patta.

2.Admittedly, the impugned order is an appealable order under the Tamil Nadu Patta Passbook Act, 1983. An appeal ought to have been filed under Section 12 of the Tamil Nadu Patta Passbook Act, 1983, but instead, the petitioner has filed this writ petition under Article 226 of the Constitution of India, aggrieved by the order dated 31.05.2019 passed by the first respondent.

3.Since there is an alternate efficacious statutory appeal remedy available, this writ petition is not maintainable. It is also not the case of the petitioner that principles of natural justice have been violated. Therefore, the only remedy available to the petitioner is to file a statutory appeal under Section 12 of the Tamil Nadu Patta Passbook Act, 1983.



4.After this Court expressed its view, learned counsel for the petitioner seeks liberty to the petitioner to file a statutory appeal under Section 12 of the Tamil Nadu Patta Passbook Act, 1983, aggrieved by the order dated 31.05.2019 passed by the first respondent, rejecting the petitioner's application seeking for issuance of patta in his name. The said statement is recorded.

5.Accordingly, this Writ Petition is disposed of by granting liberty to the petitioner to file a statutory appeal under Section 12 of the Tamil Nadu Patta Passbook Act, 1983, aggrieved by the order dated 31.05.2019 passed by the first respondent, rejecting the petitioner's application seeking for issuance of patta in his name. The petitioner is directed to file a statutory appeal, within a period of two (2) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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 Tahsildhar,
Palani Taluk Office,
Palani Taluk, Palani.

2.The District Collector,
Dindigul District, Dindigul.

+1 CC to M/s.SPL GP (SR-6219[F] dated 15/02/2022)

order made in

W.P. [MD]No.2931 of 2022

Dated:

14.02.2022

SRR (CO)
GC (07.03.2022) 2P 4C