



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2022

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P(MD)No.1881 of 2022

and

WMP(MD)No.1621 of 2022

R.Venkatachalam

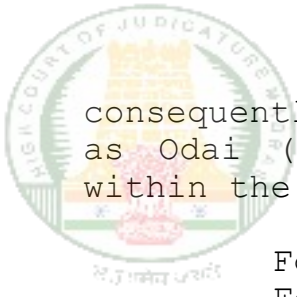
... Petitioner

vs.

- 1) The District Collector,
Collectorate Buildings,
Dindigul-624004.
- 2) The District Revenue Officer,
Collectorate Buildings,
Dindigul-624004.
- 3) The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Kodaikanal-624101,
Dindigul District.
- 4) The Tahsildar,
Kodaikanal Taluk Office,
Kodaikanal-624101,
Dindigul District.
- 5) The Assistant Executive Engineer,
Public Works Department,
Kodaikanal-624101,
Dindigul District.
- 6) Mr.M.Salethnathan
- 7) Mrs.Alexseena Margret
- 8) Mrs.Ketharin Rubina
- 9) Mrs.Maria Jesi

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Declaration, to declare the Patta issued by the respondent No.4 in favour of the respondents Nos.6 to 9 in Old Survey No.436 New T.S.No.42, present Resurvey Ward D, Block No.22, out of an extent of 2.70.0 Hectares in Shenbaganoor, Kodaikanal Taluk, Dindigul District, as illegal and



consequently direct the Respondent Nos.1 to 5 to classify the same as Odai (Stream) to preserve the Odai in its Original position within the time frame fixed by this Hon'ble Court.

For Petitioner : Mr.T.Lajapathi Roy
For R1 to R5 : Mr.P.Subbaraj
Special Government Pleader

ORDER

(Order of the Court was made by
PUSHPA SATHYANARAYANA, J.)

The prayer in the writ petition is to declare the patta issued by the 4th respondent who is the Tahsildar in favour of the respondents 6 to 9 in Old Survey No.436, New T.S.No.42, present Resurvey Ward D, Block No.22, out of an extent of 2.70.0 Hectares in Shenbaganoor, Kodaikanal Town, Kodaikanal Taluk, Dindigul District, as illegal and consequently direct the respondents 1 to 5 to classify the same as Odai (Stream) to preserve the Odai in its original position.

2. As per Section 12 of the Tamilnadu Patta Passbook Act, 1983 any person aggrieved by the order made by the Tahsildar under the Act, within such period as may be prescribed should appeal to the authority who is the 3rd respondent herein. The petitioner who knows that there is an appellate remedy, has come before this Court invoking Article 226 of the Constitution of India. He has also asked for consequential direction that the said survey number has to be classified as Odai. Even such remedy cannot be sought for before this Court, as classification can only be done by the Government and not even the revenue authorities. Therefore, the prayer sought for in the writ petition is not maintainable when the alternate remedy is available.

3. Therefore, the Writ Petition is dismissed giving liberty to the writ petitioner to move the appropriate appellate authority. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-II)

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/ /2022

Sub Assistant Registrar(CS)

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To

- 1) The District Collector,
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Dindigul-624004.
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O/o. The Revenue Divisional Officer,
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- 4) The Tahsildar,
Kodaikanal Taluk Office,
Kodaikanal-624101,
Dindigul District.
- 5) The Assistant Executive Engineer,
Public Works Department,
Kodaikanal-624101,
Dindigul District.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-3550[F] dated 02/02/2022)
+1 CC to M/s.SPL.GP (SR-3667[F] dated 02/02/2022)

ORDER MADE IN
W.P(MD)No.1881 of 2022
DATED : 01.02.2022

pk(CO)
TR(11.02.2022) 3P 8C