



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.8002 of 2022

WEB COPY

N.Muthukrishnan

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District.

2.The District Revenue Officer,
Thoothukudi District.

3.The Tahsildar,
Srivaikundam Taluk,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the third respondent in NA.Ka.A9/1308/2019, dated 18.03.2022 and quash the same consequently to issue individual patta to the petitioner's land.

For Petitioner

: Mr.D.Selvanayagam

For Respondents

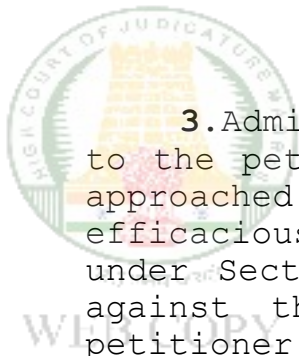
: Mr.M.Lingadurai

Special Government Pleader

O R D E R

This Writ Petition has been filed challenging the impugned order dated 18.03.2022, rejecting the petitioner's application seeking for issuance of patta on the ground that the petitioner's contentions and documents produced before the third respondent were not considered and no proper opportunity of hearing was granted to the petitioner.

2.As seen from the impugned order, earlier a writ petition was filed by the petitioner seeking for a direction to the third respondent to consider the petitioner's application for patta and only based on the said order, the impugned order came to be passed by the third respondent on 18.03.2022. As seen from the impugned order, the petitioner has been heard and only thereafter the petitioner's application has been rejected.



3. Admittedly, there is a statutory appellate remedy available to the petitioner. Without exercising the same, the petitioner has approached this Court by filing this writ petition. An alternate efficacious statutory appeal remedy is available to the petitioner, under Section 12 of the Tamil Nadu Patta Pass Book Act, 1986. As against the impugned order, the only remedy available to the petitioner is to file a statutory appeal as he has already been heard in the impugned proceedings.

4. Learned Counsel for the petitioner seeks liberty to approach the second respondent who is the competent appellate authority to hear the appeal as against the impugned order.

5. No prejudice would be caused to any other parties, if such a direction is issued by this Court.

6. For the foregoing reasons, this writ petition is disposed of by directing the petitioner to file a statutory appeal before the second respondent under Section 12 of the Tamil Nadu Patta Passbook Act, 1986, as against the impugned order dated 18.03.2022 passed by the third respondent within a period of one [1] week from the date of receipt of a copy of this order. On receipt of the said statutory appeal, the second respondent shall pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner and other necessary parties whom the second respondent deems fit to enquire within a period of six [6] months, thereafter.

7. With the aforesaid direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (Admin I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

To

1. The District Collector,
Thoothukudi District.
2. The District Revenue Officer,
Thoothukudi District.
3. The Tahsildar,
Srivaikundam Taluk,
Thoothukudi District.

+1 CC to M/s.D. SELVANAYAGAM, Advocate (SR-21379[F] dated 26/04/2022)

+1 CC to M/s.SPL.GP. (SR-21185[F] dated 26/04/2022)

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