



W.P.(MD)No.26740 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.11.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P. (MD) No.26740 of 2022

and

W.M.P.(MD)Nos.20944 & 20945 of 2022

R.Subbulakshmi

.. Petitioner

Vs.

- 1.The District Revenue Officer,
Office of the District Revenue Officer,
Ramanathapuram District.
- 2.The Revenue Divisional Officer,
Paramakudi Revenue Division,
Ramanathapuram District.
- 3.The Tahsildar,
Mudukulathur Taluk,
Ramanathapuram District.
- 4.The District Registrar (Administration),
Office of the District Registrar,
Ramanathapuram District.
- 5.The Sub Registrar,
Mudukulathur Sub Registration Office,
Mudukulathur Town and Taluk,
Ramanathapuram District.
- 6.C.Sasikumar
- 7.C.Nagarathinam
- 8.C.Mehala @ Maheshwari
- 9.C.Kavitha

.. Respondents



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Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to call for the records pertaining to the impugned order passed by the third respondent in his proceedings in Na.Ka.A3/809/2022, dated 14.10.2022 and quash the same as illegal and unconstitutional and consequently forbearing the respondents 1 to 5 from in any manner permitting respondents 6 to 9 to alienation or mutating the revenue records in favour of the third parties till the disposal of the above revision petition filed by the petitioner before the first respondent.

For Petitioner : Mr.C.Gangai Amaran
For R1 to R5 : Mr.C.Satheesh
Government Advocate

ORDER

This Writ Petition has been filed for issuance of Writ of Certiorarified Mandamus, directing the third respondent to quash the impugned order passed in proceedings in Na.Ka.A3/809/2022, dated 14.10.2022 as illegal and unconstitutional and consequently, forbear the respondents 1 to 5 from in any manner permitting the respondents 6 to 9 to alienate or mutate the revenue records in favour of the third parties, till the disposal of the revision petition filed by the petitioner before the first respondent.

2.The grievance of the petitioner is that the subject property is the joint

<https://www.mhc.triafamilydis> family property. The petitioner and the other brothers of the petitioner's



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husband are having equal share in the said property. But the private respondents herein attempted to get patta in their favour to deprive the right of the petitioner over the said property by making representation before the Tahsildar. Hence, the petitioner made objections on 04.08.2022. The petitioner has also filed a revision petition for carrying out necessary rectification that has been made by the authorities concerned during subdivision of the petition mentioned property before the first respondent. But without considering the same, the third respondent illegally transferred the patta in favour of the sixth respondent and cancelled the patta issued in the name of the petitioner.

3. As seen from the impugned order, opportunity of personal hearing has been granted to the petitioner and she has also submitted her explanation with regard to the representation given by the sixth respondent.

4. Having been granted an opportunity of hearing, the petitioner ought to have filed a statutory appeal as against the impugned order dated 14.10.2022 before the competent appellate authority. But the petitioner has instead chosen to file this writ petition under Article 226 of the Constitution of India, which is not maintainable.



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5. Since an alternative efficacious statutory appeal remedy available, this writ petition is not maintainable. Accordingly, this writ petition is disposed of by granting liberty to the petitioner to challenge the order dated 14.10.2022 passed by the third respondent before the competent statutory appellate authority. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

28.11.2022

Index : Yes/No
Internet : Yes/No
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V.BHAVANI SUBBAROYAN, J.

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Order made in
W.P.(MD) No.26740 of 2022

28.11.2022