



W.P.No.5522 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2023

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.5522 of 2023

and

W.M.P.Nos.5541 & 5543 of 2023

C.Jaishankar

...Petitioner

-Vs-

- 1.The District Collector,
Office of the District Collector,
Tiruvannamalai District,
Tiruvannamalai - 606 604.
- 2.The District Revenue Officer,
Office of the District Collector,
Tiruvannamalai District,
Tiruvannamalai.
- 3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Arni, Tiruvannamalai District.
- 4.The Tahsildhar,
Office of the Tahsildhar,
Kalasapakkam Taluk,
Tiruvannamalai District.



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5.The Village Administrative Officer,
Office of the Village Administrative Officer,
Keedampalayam Village Account,
Kalasapakkam Taluk,
Tiruvannamalai District.

6.Mandiramoorthi

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for entire records pertaining to order of 4th respondent dated 15.09.2022 in Pa.Mu.A4/1751/2022, quash the same as illegal and to further direct the 4th respondent to give patta in petitioner's name to the properties situated in S.No.315/4A1 to an extent of 69 Ares, in Keedampalayam Village Account, Kalasapakkam Taluk, Tiruvannamalai District.

For Petitioner : Mr.A.Gouthaman

For R1 to R5 : Mr.G.Krishna Raja,
Additional Government Pleader

ORDER

The order passed by the Tahsildar/the fourth respondent under the provisions of the Patta Pass Book Act is sought to be quashed in the present Writ Petition.



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2. The petitioner states that he is the owner of the property described in the present Writ Petition. The contesting respondent, i.e., the 6th respondent herein, filed a complaint under Section 77A of the Registration Act to cancel the document and accordingly, the District Registrar passed an order.

3. Be that as it may, the grievance of the petitioner is that the existing patta standing in his name was cancelled by the Tahsildar, through the impugned proceedings dated 15.09.2022. The order impugned itself states that the petitioner is at liberty to prefer an appeal within a period of 30 days to the Revenue Divisional Officer.

4. The Patta Pass Book Act contemplates an appeal or revision and hence, exhausting an appellate remedy is of paramount importance. The original authority and the appellate authority are empowered to scrutinize the original documents for the purpose of effective adjudication of disputed facts between the parties. The findings of the original and appellate authorities are of greater assistance to the High Court for the purpose of



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exercising the powers of judicial review in an effective manner. Therefore, exhausting an appeal remedy is the rule and entertaining a Writ Petition is an exception. Thus, dispensing with an appellate remedy at all circumstances are not desirable, since the very legislative intention for contemplating an appeal under the statute will be defeated. The intention of the legislation is to ensure that the orders passed by the original authority are checked again about its correctness. Such a procedure or process need not be dispensed with in a routine manner by the High Court, which will not only overburden the High Court, but the parties are also losing their right of appeal.

5. This being the factum, the petitioner is at liberty to prefer an appeal and in the event of preferring an appeal, it is to be decided on merits and in accordance with law. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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Index:Yes
Speaking order
hvk

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S.M.SUBRAMANIAM, J.

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