



WEB COPY

WP No.6117 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09-06-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.6117 of 2019

And

WMP No.6943 of 2019

1.B.Balamani
2.B.Gopalakrishnan

... Petitioners

Vs.

1.The District Revenue Officer,
Coimbatore South,
Coimbatore.

2.The Tahsildar,
Sulur,
Coimbatore.

3.Mallika

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 29.06.2016 in D.R.No.2016/12/10/000004SD on the file of second respondent and quash the same and



consequently for a direction against the second respondent to cancel the sub division made in Survey No.436/2B9.

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For Petitioner : Mr.R.Alwin Manoj Raj for
M/s.RRN Legal.

For Respondents-1 and 2: Mr.T.Arunkumar,
Additional Government Pleader.

For Respondent-3 : Mr.K.Myilsamy

ORDER

The order passed by the second respondent dated 29.06.2016 declaring the patta in the name of the third respondent, is under challenge in the present writ petition.

2. The learned counsel appearing on behalf of the third respondent brought to the notice of this Court that in respect of joint family property, an appeal has been filed before the Revenue Divisional Officer, who in turn granted the relief and thereafter, a civil suit was instituted between the parties.



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3. Beyond the reasons stated by the third respondent, the fact remains that the order impugned has been issued by the Tahsildar under the Patta Pass Book Act, 1983. Thus the petitioner has to prefer an appeal contemplated under the Act.

4. All the grounds raised on merits may be raised before the Appellate Authority for adjudication and to redress the grievances exhausting the appeal remedy contemplated under the Act is of paramount importance.

5. The Appellate Authority is bound to call for the records and adjudicate the issues by affording opportunities to the parties concerned.

6. The findings of the Original Authority and the Appellate Authority on merits would be of greater assistance to the High Court for effective consideration of the issues raised between the parties and by exercising the powers Judicial Review. Thus the importance of appellate remedy contemplated under the Statute, at no circumstances, be dispensed



with, since there is gross injustice or miscarriage of justice.

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7. This being the principles to be followed, the petitioner is at liberty to prefer an appeal before the Revenue Divisional Officer under the Act and in the event of filing any such appeal, the same may be adjudicated on merits and in accordance with law as expeditiously as possible.

8. With the above liberty, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

09-06-2023

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

Svn



To

1. The District Revenue Officer,
Coimbatore South,
Coimbatore.

2. The Tahsildar,
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S.M.SUBRAMANIAM, J.

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