



WEB COPY



W.P.Nos.29765 of 2015
& 61 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.Nos.29765 of 2015 & 61 of 2017 and
W.M.P.No.76 of 2017

Hameeda Bee	..	Petitioner in W.P.No.61 of 2017
K.Chitra	..	Petitioner in W.P.No.29765 of 2015

VS

1. The Revenue Divisional Officer
Kallakurichi, Villupuram District.

2. The Tahsildar
Kallakurichi Taluk
Villupuram District.

3. K.Chitra	..	Respondents in W.P.No.61 of 2017
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1. The Revenue Divisional Officer
Kallakurichi, Villupuram District.

2. The Tahsildar
Kallakurichi Taluk
Villupuram District.

..	Respondents in W.P.No.29765 of 2015
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Prayer in W.P.No.29765 of 2015: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order dated 31.03.2015 passed by the second respondent herein in Na.Ka.A9/246/2015 and to quash the same with a direction to issue patta in favour of the petitioner in



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respect of 40 cents of land out of 26.50 acres comprised in S.No.171/1B2 of Sadayampattu Village, Kallakurichi Taluk, Villupuram District as per the sale deed dated 01.2.2014 in Doc.No.179/2014, registered at SRO, Joint-1, Kallakurichi;

Prayer in W.P.No.61 of 2017: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order made in Na.Ka.A4/41/2015 dated 01.12.2016 passed by the first respondent and quash the same and consequently forbear the respondents from any manner interfering with the petitioner's peaceful possession and enjoyment of the land more particularly described in the petition schedule:

Schedule of property

All that piece and parcel of agricultural land with a house and well with electricity service connection comprised in S.No.171/1B2 situated at Sdayampattu Village, Kallakurichi Taluk an extent of 0.66 Acres out of total extent of 2.82 Acres.

For Petitioner in
W.P.No.29765 of 2015 : Mr.K.Venkatapathy

For Petitioner in
W.P.No.61 of 2017 : Mr.G.Ethirajulu

For Respondents 1 & 2
in both W.Ps : Mr.Abishek Murthy
Addl. Govt. Pleader

COMMON ORDER

These writ petitions have been filed challenging the final orders passed by the Tahsildar in proceedings dated 31.03.2015 and 01.12.2016.



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2. The applications filed by the petitioners seeking transfer of patta was rejected. Under the provisions of the Patta Passbook Act, an appeal lies before the Revenue Divisional Officer having jurisdiction. Thus, the petitioners have to prefer an appeal for effective adjudication of facts before the appellate authority. The appellate authority, namely the Revenue Divisional Officer, is empowered to call for the original records, conduct an enquiry and pass appropriate orders by affording opportunities to the parties.

3. Exhausting the appellate remedy is the Rule and dispensing with the same by the High Court is an exception. The importance and relevance of the appellate remedy contemplated under the statute, at no circumstances, needs to be undermined, since the Legislative intent is to provide an opportunity to correct the errors, if any committed by the original authority.

4. The factual findings of the original authority and the appellate authority together would be of greater assistance to the High Court for the purpose of exercising judicial review in an efficient manner. High Court cannot adjudicate the disputed facts. Therefore, the parties are to be



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relegated to exhaust the appeal contemplated under the statute. Thus, the petitioners are at liberty to approach the appellate authority for the purpose of redressal of their grievance in the manner contemplated. In the event of preferring any such appeal, the said appeal is to be disposed of as expeditiously as possible.

5. With these directions, the writ petitions are disposed of. There will be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Index : Yes/No
Neutral Citation : Yes/No

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(2/2)

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Kallakurichi, Villupuram District.
2. The Tahsildar
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S.M. SUBRAMANIAM, J.

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