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W.P.No.10452 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.02.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.10452 of 2021
and WMP.Nos.11049 & 23853 of 2021

K.R.V.R.SM.V.Somasundaram Chettiar

... Petitioner

-Vs-

1. The Assistant Settlement Officer (South Chennai)
Chennai – 600 005.

2. The District Revenue Officer,
Sivagangai.

3. The Assistant Settlement Officer,
Madurai.

4. Revenue Divisional officer,
Sivagangai.

5. Tmt.Umayal

6. Selvi Abirami

7. Selvi Chittal

8. Tmt.Kalyani

9. Thiru AL.Nagappan

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent in his Rc.G2/1288/2019 dated 25.02.2021 quash the same and direct the first respondent to await the



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policy decision and orders of the Government of Tamil Nadu in respect of the “Held Over” lands in survey No.308/2 and 308/3 of Kalanivasal Village, Karaikudi Taluk, Sivagana District (vide order dated 26.11.2018 passed by the first respondent -Exhibit -P21) to proceed in accordance with law.

For Petitioner : Mr.P.K.Rajesh Praveen
For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader [R1
to R4]
Mr.R.Radhapandian [R8]
Mr.S.Wilsan and M/s.M.Savitha
Devi [R9]

ORDER

As against the order passed by the Assistant Settlement Officer (South) Chennai in Rc.G2/1288/2019 dated 25.02.2021, the present writ petition has been filed.

2. Heard Mr.P.K.Rajesh Praveen, learned counsel appearing for the petitioner, Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents 1 to 4, Mr.R.Radhapandian, learned counsel appearing for the eighth respondent and Mr.S.Wilson and Ms.M.Savitha Devi, learned counsel appearing for the ninth respondent.

3. Learned counsel appearing for the private respondents including



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the learned Special Government Pleader would contend that the order impugned is an appealable order before the Inam Abolition Tribunal and the Sub-Court concerned has already been designated as Tribunal i.e., the Sub-Court Sivaganga being designated as Inam Abolition Tribunal, before whom such an appeal can very well be filed. Without exhausting the same, the petitioner cannot seek indulgence of this Court by directly approaching this Court invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution.

4. Only on the said objection given by the respondents, I have gone through the impugned order and the appeal provision also since has been provided, as within 90 days against the order impugned, the petitioner or any aggrieved party can prefer an appeal before the Tribunal, which has already been designated, before whom in fact the petitioner in the first round has gone and the matter seems to have been remitted back, based on which, the Assistant Settlement Officer now passed the impugned order dated 25.02.2021, as against which, even though Mr.P.K.Rajesh Praveen, learned counsel appearing for the petitioner would submit that, once again the petitioner cannot be relegated to go before the Tribunal, this Court is not impressed with the said submission.



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5. The reason being that, insofar as the present order passed by the Assistant Settlement Officer dated 25.02.2021, which is impugned herein is concerned, on merits he has passed an order of-course after giving an opportunity of being heard to all the parties. Therefore, this issue has to be decided on merits and as a first Appellate forum, the Inam Abolition Tribunal has already been designated. When that being so, without exhausting such an appellate remedy, which is in fact an efficacious remedy, the petitioner cannot be permitted to come before this Court invoking the writ jurisdiction.

6. Since the issue relates to the issuance of ryotwari patta under the Tamil Nadu Inam Estates (Abolition & Conversion into Ryotwari) Act, 1963, those issues naturally has to be gone into by the Tribunal, where the minute details about the case and counter case of the parties with regard to the property, their possession etc., would be considered and decided. Therefore, that chance cannot be given a go by by the petitioner, therefore, the petitioner without preferring an appeal, cannot come before this Court by filing the present writ petition.



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7. In that view of the matter, this Court is inclined to dispose of this

writ petition with the following order:

- ◆ That this writ petition is dismissed with liberty to the petitioner to file an appropriate appeal before the Inam Abolition Tribunal i.e., Appellate Forum within a period of 30 days from the date of receipt of a copy of this order.
- ◆ If any such appeal is filed by the petitioner within the time referred to above, the Tribunal shall entertain such appeal and decide the same on merits and in accordance with law. If no such appeal is filed within the time stipulated herein above, the time limit extended would not be further saved.
- ◆ Registry is directed to return back the original impugned order by retaining the photocopy of the impugned order dated 25.02.2021 to the counsel on record appearing for the petitioner after receipt of due acknowledgment from him.

With these observations and liberty to the petitioner, this writ petition is dismissed. No costs. Connected miscellaneous petitions are



closed.

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Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
mp
To

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R. SURESH KUMAR, J.
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