



WEB COPY



W.P.No.9664 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2023

CORAM

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

W.P.No.9664 of 2023

Marappan

...Petitioner

-Vs-

1.The Tahsildar,
Mohanur, Namakkal District.

2.Mani @ Kumarasamy

3.Kumar

4.Palaniammal

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the proceedings of the 1st respondent relating to the impugned order in Na.Ka.No.3513/2022/A2 dated 25.11.2022 and quash the same as illegal, arbitrary, wholly without jurisdiction and in violation of principles of natural justice and direct the 1st respondent to pass an order afresh after affording an opportunity of hearing to the petitioner.

For Petitioner	:	Ms.Priscilla Cardyn for Mr.R.Udhaya Kumar
For R1	:	Mr.G.Krishna Rajan Additional Government Pleader
For R2	:	Ms.Shrivarshini.V for Mr.I.Abrar Md.Abdullah
For R3 & R4	:	No appearance



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ORDER

The order dated 25.11.2022 passed by the Tahsildar, Mohanur is under challenge in the present writ petition.

2.The petitioner submitted an application for modification of patta and the said application was kept pending. Thus the petitioner filed W.P.No.7576 of 2022 and this Court passed an order on 31.03.2022 directing the Tahsildar to pass orders on merits and in accordance with law. Accordingly, the Tahsildar, Mohanur conducted an enquiry with reference to the document placed before the authority. The Power of Attorney holder of the petitioner participated in the process of enquiry. After considering the grounds raised the application submitted by the petitioner for modification has been rejected.

3.The learned counsel appearing for the petitioner made a submission that the documents submitted by the petitioner are not considered and sufficient opportunity has not been granted to the petitioner. Even in such circumstances, the petitioner has to approach the competent Appellate



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Authority i.e., Revenue Divisional Officer. When the appellate remedy is contemplated under the provisions of the Patta Passbook Act, the petitioner has to exhaust the remedy which is efficacious and thereafter approach the Court of law. Admittedly the petitioner has not exhausted the appellate remedy. Exhausting the appellate remedy is of paramount importance and the Revenue Divisional Officer is empowered to call for the records, conduct an enquiry and pass orders on merits and in accordance with law after affording an opportunity to all the parties concerned. That being the scope of appellate remedy available under the statute, the petitioner is at liberty to approach the Appellate Authority for redressal of his grievance.

4. With the above direction, the writ petition stands disposed of. No costs.

17.07.2023

Index: Yes/No
Speaking order/Non-speaking order
Neutral Citation: Yes/No
cse



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S.M.SUBRAMANIAM, J.

cse

To

The Tahsildar,
Mohanur,
Namakkal District.

W.P.No.9664 of 2023

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