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W.P.No.12310 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.12310 of 2023
and
W.M.P.No.12141 of 2023

P.Selvam

...Petitioner

Vs.

1.The Tahsildar,
Taluk Office,
Asthampatti,
Salem Taluk – 636 007,
Salem District.

2.P.Krishnan

3.P.Gunasekaran

4.P.Suresh

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 07.02.2023.

For Petitioner : Mr.S.Mahaveersshivaji

For Respondent : Mr.P.Sanjay Gandhi
Government Advocate



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ORDER

The relief sought for in the present writ petition is for a direction to direct the 1st respondent to consider the representation submitted by the writ petition on 07.02.2023.

2. The grievance of the writ petitioner is that a road, which is covered under the Will, executed by the father of the petitioner has been erroneously dealt with by the Village Administrative Officer and Tahsildar and a patta has been granted. Based on the patta, a bogus document was registered before the Sub-Registrar in Document No.465/2023.

3. This Court is of the considered opinion that if at all patta has been erroneously granted or granted based on any fraudulent document, then the petitioner has got a right of appeal before the Revenue Divisional Officer under the provisions of the Patta Passbook Act. Exhausting the Statutory remedy at no circumstances be undermined by the Courts. These disputed facts cannot be adjudicated by the High Court in a writ proceeding.



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4. All such disputes are to be resolved by scrutinizing the documents in original and evidences. In the event of merely directing the 1st respondent to consider the representation, the said order would do no service to the cause of justice. The Tahsildar has already granted patta and if at all he rejects the same, the petitioner would be back again before this Court. Litigants are unnecessarily dragged on repeatedly to the Courts for the purpose of resolving their grievances, instead of approaching the competent authorities and Appellate authorities under the Statutes. The factual findings of the original authority and the Appellate Authority are of paramount importance. Those findings would be of greater assistance to the High Court to exercise the powers of judicial review under Article 226 of the Constitution of India.

5. Thus, this Court is of the considered opinion that the Tahsildar, if at all granted patta contrary to the document or based on any fraudulent document or otherwise, the aggrieved person has to approach the Revenue Divisional Officer under the Patta Passbook Act, who in turn, is empowered to adjudicate the issues by calling for the original documents. Thus, the petitioner is at liberty to approach the Appellate Authority for redressal of his grievances in the manner known to law.



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WEB COPY 6. With this liberty, the writ petition stands disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

24.04.2023

Index : Yes
Speaking order
Neutral Citation: Yes
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To

1. The Tahsildar,
Taluk Office,
Asthampatti,
Salem Taluk – 636 007,
Salem District.



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S.M.SUBRAMANIAM, J.

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