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W.P.No.10279 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10279 of 2023

Thimmarayappa

... Petitioner

Vs.

1.The District Collector,
Krishnagiri District,
Krishnagiri.

2.The Revenue Divisional Officer,
Hosur – 635 109.

3.The Tahsildar,
Taluk Officer,
Hosur,
Krishnagiri District.

... 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 relating to the impugned proceedings dated 27.02.2023 passed in Mu.Mu. 1174/2022/A2 on the file of the 3rd Respondent herein, quash the same and consequently direct the Respondents herein to issue patta to the petitioner for the assigned lands measuring 0.83.0 hectares in S.F.No.707, situate at Mookandapalli Village, Hosur Taluk, Krishnagiri District.



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For Petitioner : Mr.K.Govi Ganesan

For Respondents : Mr.E.Sundaram
Government Advocate

ORDER

The order of the 3rd respondent / Tahsildar, rejecting the claim of the petitioner for grant of patta is under challenge in the present writ petition.

2. The learned Government Advocate appearing on behalf of the respondents made a submission that the petitioner has not exhausted the Appellate remedy contemplated under the Tamil Nadu Patta Pass Book Act, 1983 and thus, the writ petition is not entertainable.

3. The Statutory remedies contemplated under the Act is to be generally exhausted by the aggrieved persons. Dispensing with Appellate remedy is an exception and the rule is to exhaust the Appellate remedy, which is efficacious. The parties need not be deprived of their opportunity to exhaust the Appellate remedy, since the Appellate Authorities are empowered to conduct an enquiry by scrutinising the original records.



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4. The factual findings of the Original Authority and its correctness are to be verified by the Appellate Authority. The legislative intention for providing an Appellate remedy is to ensure that the original orders passed by the Authorities and its correctness are verified by the Appellate Authority. Such findings of the Appellate Authority would be of greater assistance to the High Court for the purpose of exercise of the power of judicial review under Article 226 of the Constitution of India. Thus, in all circumstances, the parties aggrieved are expected to exhaust the Appellate remedy and thereafter, approach the Court of Law.

5. In the present case, admittedly, the petitioner has not exhausted the Appellate remedy contemplated under the Tamil Nadu Patta Pass Book Act, 1983. Thus, the petitioner is at liberty to prefer an Appeal and in the event of preferring an Appeal, the authorities competent shall dispose of the same on merits and in accordance with law.



6. With this liberty, this Writ Petition stands disposed of. No Costs.

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Index : Yes

Neutral Citation : Yes

Speaking order

To

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S.M.SUBRAMANIAM, J.

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