



WEB COPY

W.P.No.21'



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.21780 of 2023

and

W.M.P.No.21120 of 2023

Zahir Hussain Saib

... Petitioner

Vs.

1.The District Collector,
Cuddalore District,
Cuddalore.

2.The District Revenue Officer,
Cuddalore District,
Cuddalore.

3.The Sub-Collector,
Chidambaram,
Cuddalore District.

4.The Revenue Tahsildar,
Kattumannarkoil Taluk,
Cuddalore District.

5.The Executive Officer,
Kattumannarkoil Town Panchayat,
Kattumannarkoil Taluk,
Cuddalore District.

6.Mr. Narendran

... Respondents



Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records which culminated in the proceedings bearing Na.Ka.A1/1100/2023 dated 12.06.2023 on the file of the third respondent, quash the same and consequently direct the third respondent to restore the Patta No.277 issued to the petitioner in respect of the land comprised in R.S.No.104/1 (new R.S.No.292/2) measuring 1316 square feet situated in Sajagananda Nagar, within Udayarkudi Town Panchayat, Kattumannarkoil Taluk, Cuddalore District.

For Petitioner	: Mr.Elumalai
For R1 to R4	: Mr.D.Ravichander, Special Government Pleader
For R5	: Mr.T.M.Rajangam, Government Advocate

ORDER

The writ petition has been instituted questioning the validity of the order passed by the Sub-Collector in proceedings dated 12.06.2023 under the provisions of the Tamil Nadu Patta Passbook Act, 1983.

2. The learned counsel for the writ petitioner mainly contended that the authorities have failed to consider the issues in a right perspective and decided based on certain extraneous factors. All such grounds can be raised and decided by the appellate authority, since the statutory appeal has been contemplated under the Tamil Nadu Patta Passbook Act, 1983. The order impugned itself states that the writ petitioner is at



liberty to prefer an appeal before the 2nd respondent / the District Revenue Officer,
Cuddalore.

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3. Exhausting the appellate remedy is of paramount importance. The Legislative intention for providing an appeal statute is to ensure the correctness of the orders passed by the original authority. Such statutory provisions provided for the benefit of the aggrieved persons need not be dispensed with unnecessarily.

4. In the event of entertaining the writ petition and keeping it pending, the appellate remedy contemplated is denied to the aggrieved person, which is efficacious and thus, the petitioner is at liberty to prefer an appeal. In the event of preferring an appeal, the same may be decided on merits and in accordance with law, as expeditiously as possible.

5. With these directions, the writ petition stands disposed. Consequently, the connected miscellaneous petition is closed. No costs.

skr
Index : Yes
Speaking order

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To

- 1.The District Collector,
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Cuddalore.
- 2.The District Revenue Officer,
Cuddalore District,
Cuddalore.
- 3.The Sub-Collector,
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Cuddalore District.
- 4.The Revenue Tahsildar,
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Cuddalore District.
- 5.The Executive Officer,
Kattumannakoil Town Panchayat,
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Cuddalore District.



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S.M.SUBRAMANIAM, J.

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