



W.P.No.23894 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.23894 of 2023
and
W.M.P.No.23402 of 2023

C.Govindaraj

... Petitioner

Vs.

1.The Special Deputy Collector,
Revenue Court,
Trichy District.

2.The Thasildar,
Madathukulam Taluk,
Tiruppur District.

3.Palanisamy

4.Sridaran

5.Jayaraman

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to quash the order of the 1st respondent herein in Appeal No. 5 of 2021 dated 29.05.2023 and further direct the 1st respondent herein to revise the order of the 2nd respondent and register the lease deed as requested in the petitioner's Appeal dated 13.12.2021.

For Petitioner	: Mr.V.Sakkarapani
For R1 & R2	: Mr.D.Ravichander, Special Government Pleader

ORDER

The order passed by the first respondent in proceedings dated 29.05.2023 is under challenge in the present writ petition.

2. The learned counsel for the petitioner mainly contended that the first respondent has not given any opportunity to the writ petitioner to defend his case. However, an appellate remedy is contemplated under the statute and the petitioner is at liberty to prefer an appeal before the District Revenue Officer, Tiruchirappalli.



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3. When the appeal remedy is contemplated under the statute, it is to be exhausted in all circumstances. The revisional authority has to provide an opportunity to the writ petitioner for the purpose of presenting his case and to file documents, if any. Thus, the grounds raised by the petitioner in this writ petition may be raised before the revisional authority for the purpose of redressal of the grievances of the writ petitioner.

4. When the appeal remedy is efficacious, the same is to be exhausted before approaching the High Court. The Legislative intention for providing an appeal statute is to ensure the correctness of the orders passed by the original authority.

5. Thus, the petitioner is at liberty to prefer an appeal before the revisional authority and in the event of filing any such revision, the authorities competent shall consider the same and pass orders on merits and by affording opportunities to all the parties.



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6. With these clarifications, the writ petition stands dismissed.

Consequently, the connected miscellaneous petition is closed. No costs.

16.08.2023

skr

Index : Yes

Speaking order

To

1.The Special Deputy Collector,
Revenue Court,
Trichy District.

2.The Thasildar,
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S.M.SUBRAMANIAM, J.

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