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W.P.No.27525 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.27525 of 2023

G.Ranganathan

... Petitioner

Vs

The Tahsildar,
Maduravoyal Taluk,
Maduravoyal,
Tiruvallur District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Proceedings No.B1/005/2023 dated Nil.07.2023 on the file of the respondent and quash the same as illegal, incompetent and ultravires and consequently direct the respondent to issue patta without insisting no objection certificate from TNHB to the property bearing Survey No.284 of 1A situated at Plot No.7, Door No.5, 1st Street, Vinayagapuram, Thangalkari Road, Metukuppam, Nerkundram, Chennai-600107 measuring to an extent of 1200 sqft.

For Petitioner

: M/s.M.Rakhi

For Respondent

: Mr.T.Arunkumar,
Additional Government Pleader.



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ORDER

The writ petition has been instituted challenging the order passed by the Tahsildar, Maduravoyal Taluk, Tiruvallur District.

2. The petitioner earlier filed writ petition in W.P.No.32917 of 2022 and this Court directed the Tahsildar to consider the representation and pass orders. Pursuant to the directions issued, the Tahsildar passed an order rejecting the request of the writ petitioner for grant of patta for an extent of 1200 Sq.ft of comprised Survey No.284/1A, Plot No.7, Vinayagapuram, Nerkundram Village.

3. The order impugned itself states that the aggrieved person may prefer an appeal before the Revenue Divisional Officer, Central Chennai Revenue Division within 30 days. The petitioner instead of exhausting the appellate remedy contemplated under the Act has chosen to file the present writ petition.

4. Statutory remedies are contemplated in order to scrutinise the correctness of the orders passed by the Original Authority. Therefore,



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appellate remedy contemplated under the Act need not be under mined and the importance is also to be recognised.

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5. The Revenue Divisional Officer is empowered to call for the records, provide an opportunity to the parties and take decision on merits and in accordance with law. The factual findings of the Original Authority and the Appellate Authority would be of greater assistance to the High Court for the purpose of exercise of the powers of judicial review under Article 226 of the Constitution of India.

6. Therefore, exhausting an appellate remedy is the rule to be followed, entertaining a writ petition, dispensing the appellate remedy is an exception. More so, an aggrieved person need not be denied of an opportunity of an appeal under the Statute.

7. Considering the facts and circumstances, the petitioner is at liberty prefer an appeal before the Revenue Divisional Officer, Central Chennai Revenue Division for the purpose of establishing his case in the manner known to law.



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8. With this liberty, this Writ Petition stands disposed of. No costs.

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Index : Yes

Speaking order

Neutral Citation : Yes

To

The Tahsildar,
Maduravoyal Taluk,
Maduravoyal,
Tiruvallur District.



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S.M.SUBRAMANIAM, J.

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