



W.P.No.32475 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2023

CORAM

THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.P.No.32475 of 2023

and

W.M.P.Nos.32084 and 32085 of 2023

S.JAGADESAN

... Petitioner

Vs.

1.The District Revenue Officer
Collectorate Road
Krishnagiri
Tamil Nadu 635115

2.The Revenue Divisional Officer
Survey No.559, Collectorate Campus
Bangalore Road, Krishnagiri
Tamilnadu 635 001

3.K.Pandu

... Respondents

PRAYER: The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in respect of the order of 2nd respondent proceedings in Mu.Mu.3588/2021/E dated



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03.11.2022 and quash the same as illegal and invalid and consequently direct the 1st respondent to directly investigate the matter and dispose of the petitioner's appeal petition dated 26.08.2019 within a time frame fixed by this Court.

For Petitioner : Mr.N.Suresh

For Respondents : Mr.P.Gurunathan
Addl. Govt. Pleader - R1 & R2

ORDER

The writ petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in respect of the order of 2nd respondent proceedings in Mu.Mu.3588/2021/E dated 03.11.2022 and quash the same as illegal and invalid and consequently direct the 1st respondent to directly investigate the matter and dispose of the petitioner's appeal petition dated 26.08.2019.

2.Learned counsel for the petitioner would submit that the petitioner was enjoying the tamarind tree and got 2C patta for enjoyment of the same. Subsequently, the Tahsildar cancelled the 2C patta allotted to the petitioner on the ground that the name of the petitioner was not found in the 2A 2C records



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and allotted 2C patta in favour of the 3rd respondent. Aggrieved by the same, the petitioner preferred an appeal before the 2nd respondent. The 2nd respondent without conducting any enquiry, blindly confirmed the order of the Tahsildar and cancelled the 2C patta stood in the name of the writ petitioner. The petitioner again preferred a revision before the 1st respondent. The 1st respondent in the revision, set aside the order passed by the 2nd respondent and remitted the matter back to the 2nd respondent for fresh consideration. The 2nd respondent after the remittance of the matter to him, conducted a fresh enquiry and again cancelled the 2C patta stood in the name of the writ petitioner and confirmed the allotment order granted to the 3rd respondent. Now the petitioner challenges the order passed by the 2nd respondent on the ground that the 2nd respondent has no authority to pass any such order, since the 1st respondent has already set aside the order of the 2nd respondent. Hence the above writ petition.

3.Mr.P.Gurunathan, the learned Additional Government Pleader accepts notice for the respondents 1 and 2.

4.It is seen from the records that originally 2C patta was allotted to the writ



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petitioner and for some or other reasons, the Tahsildar has cancelled the 2C patta granted in favour of the petitioner and allotted the same to the 3rd respondent.

Though the petitioner challenged the order of the Tahsildar before the 2nd respondent, the Revenue Divisional Officer herein, the 2nd respondent also confirmed the order of the Tahsildar. Aggrieved by the said cancellation, the petitioner filed a revision before the District Revenue Officer, the 1st respondent herein. The 1st respondent, after hearing the revision, set aside the order passed by the 2nd respondent and remitted the matter back to the 2nd respondent for a fresh enquiry. The writ petitioner accepted the order of the 1st respondent and appeared before the 2nd respondent for fresh enquiry. After conducting a fresh enquiry, the 2nd respondent passed the impugned order on merit. The petitioner instead of filing a revision before the 1st respondent, has approached this Court with the above writ petition.

5.Since the writ petitioner has an alternative remedy of filing a revision before the 1st respondent, this Court is not inclined entertain this writ petition.

6.This writ petition stands dismissed accordingly. However, the petitioner



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is at liberty to work out his remedy in the manner known to law. Consequently,
the connected miscellaneous petitions are closed. No costs.

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Index : yes / no
Neutral citation

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