



W.P.No.1743 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.1743 of 2024

Mary

... Petitioner

Vs.

1. The Thasildar,
Vandavasi Taluk,
Thiruvannamalai District.

2. The Head Surveyor Vandavasi Taluk,
Thiruvannamalai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the first respondent in impugned No.Moo.Mu.Aa.4/1011/2023 dated 28.04.2023 and to quash the same and further directing the first respondent to identify the properties as per boundaries in Survey Nos.272/1-(0.26.0), 272/2-(0.09.0), 272/3-(0.09.0) & 272/6 (0.22.5) measuring an total extent of 66.5 Acres, in patta No.628 situated in Vandavasi Circle, Cheyyar Taluk, Thiruvannamalai District.

For Petitioner : Mr.C.B.Murali Krishnan

For Respondents : Mr.R.Vigneshwaran
Government Advocate



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ORDER

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the first respondent in No.Moo.Mu.Aa.4/1011/2023 dated 28.04.2023 and to quash the same and to direct the first respondent to identify the properties as per boundaries in Survey Nos.272/1-(0.26.0), 272/2-(0.09.0), 272/3-(0.09.0) & 272/6 (0.22.5), measuring an total extent of 66.5 Acres, in patta No.628 situated in Vandavasi Circle, Cheyyar Taluk, Thiruvannamalai District.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

3. Learned counsel for the petitioner submitted that the petitioner has earlier filed a writ petition W.P.No.27642 of 2022 to direct the respondents therein to conduct survey in the petitioner's property. This Court, vide order dated 17.10.2022, has given direction to the



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respondents to consider the petitioner's representation and pass orders on merits after issuing notice to the parties. The first respondent, without issuing notice and conducting enquiry, passed the present impugned order. Hence the present writ petition.

4. The petitioner has challenged the order dated 28.04.2023 passed by the first respondent. It is settled proposition of law that, if a person is aggrieved by the order passed by the Thasildar, as per Tamil Nadu Patta Pass Book Act, there is an appellate remedy available before the appellate authority, namely, the Revenue Divisional Officer. The petitioner, without exhausting the alternative appellate remedy, has filed the present writ petition.

5. Learned counsel for the petitioner vehemently contended that though this Court, vide order dated 17.10.2022 in W.P.No.27642 of 2022 directed the respondents to issue notice and after conducting enquiry, to pass orders, the respondents have not complied with the same. If the respondents have not complied with the abovesaid order of this Court,



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the petitioner can file Contempt Petition.

6. Since the petitioner has got efficacious alternative remedy before the appellate authority, the writ petition is not maintainable. Hence the Writ Petition is dismissed. There shall be no order as to costs.

30.01.2024

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

1. The Thasildar,
Vandavasi Taluk,
Thiruvannamalai District.
2. The Head Surveyor Vandavasi Taluk,
Thiruvannamalai District.



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P.VELMURUGAN, J.

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