IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2024

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.3183 of 2024
and
W.M.P.No.3448 of 2024

Karthick ... Petitioner

versus

1.The Revenue Divisional Officer,
Attur, Salem District – 636 102.

2.The Thasildhar,
Thalaivasal Taluk,
Salem District.

3.N.Saroja .....Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to impugned order in Na.Ka.No.5406/2023/A3, dated 19.08.2023 passed by the second respondent and quash the same, consequently, direct the respondents to mutation in the revenue records with respect of registered Tada Pathyam Agreement (Doc.No.2253/2018 dated 12.10.2018).

For Petitioner	:	Mr.P.Ganapathy
For Respondents	:	Mr.T.Arun Kumar Additional Government Pleader for R1 and R2

O R D E R

Mr.T.Arun Kumar, learned Additional Government Pleader accepts notice for respondents 1 and 2. Since no adverse orders is being passed against the third respondent, notice to the third respondent is dispensed with.

2. This writ petition has been filed to quash the impugned order in Na.Ka.No.5406/2023/A3, dated 19.08.2023 passed by the second respondent and consequently, direct the respondents to mutate the revenue records with

respect of registered Tada Pathyam Agreement (Doc.No.2253/2018 dated 12.10.2018).

3. The learned counsel for the petitioner submitted that despite a specific direction of this Court in W.P.No.31540 of 2022, dated 25.11.2022 to the second respondent to dispose of the petitioner's representation after giving due opportunity of hearing to the petitioner, the second respondent herein has passed the impugned order rejecting the claim of the petitioner for sub division Patta transfer without giving any opportunity. Hence, the petitioner is constrained to file the present writ petition.

4. It is seen that earlier the petitioner has filed a writ petition in W.P.No.31540 of 2023 before this Court seeking to survey his properties and this Court by order dated 25.11.2022 directed the second respondent herein/Tahsildar to consider the petitioner's representation dated 29.09.2022

and pass appropriate order, after giving due opportunity of hearing to the petitioner as well as aggrieved parties if any. While so, the second respondent has passed the impugned order on 19.08.2023 rejecting the claim for sub-division to the cart track in the Revenue Records. Aggrieved over the same, the petitioner has already preferred an appeal before the appellate authority/first respondent herein and the same is pending. While that being so, parallely the petitioner has come forward with the present writ petition to quash the impugned order dated 19.08.2023. Once the appellant invoked the appellate jurisdiction, he can put forth all his grievances before the appellate authority. Therefore, the present writ petition is not maintainable. Since the petitioner has already exercised efficacious alternative remedy before the appellate authority, the petitioner is at liberty to proceed with the appeal before the first respondent. The first respondent is directed to issue notice to the petitioner and the third respondent herein as well as interested parties, if any and dispose of the appeal on merits and in accordance with law. All such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

5. With the above observations and directions, the writ petition is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

13.02.2024

Index: Yes/No
Speaking Order : Yes/No
Neutral Citation Case : Yes/No
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To
1.The Revenue Divisional Officer,
Attur, Salem District – 636 102.

2.The Thasildhar,
Thalaivasal Taluk,
Salem District.

P.VELMURUGAN, J.

ms

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