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W.P.No.28453 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.28453 of 2024

E.Rajendran

... Petitioner

VS.

1.The Tahsildar,
Cheyyar,
Tiruvannamalai-606 805.

2.S.Seshan

3.Kumarasamy

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 1st respondent his proceedings in Proceeding No. நி.மு.ஆ.2/574/2024 dated 21.08.2024 and quash the same and consequently direct the 1st respondent to issue patta in petitioner's name for the land in Survey No.315/3D, 307/2A2 measuring to an extent of 1 Acre 90 ½ Cents of land situated at Parasur Village, Cheyyar Taluk, Thiruvannamalai District within the time limit that may be stipulated by this Court.

For Petitioner : Mr.S.Lakshmi Narayanan

For R1 : Mr.A.Selvendran
Special Government Pleader



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ORDER

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2. Challenging the order passed by the 1st respondent in his Proceeding No. நடு.ஆ.2/574/2024, dated 21.08.2024 dismissing the application filed by the petitioner seeking issue of patta, the petitioner has come before this Court.

3. It is the case of the petitioner that an extent of 2 acres 54 cents of lands comprised in Survey Nos.315/3D and 307/2A2, was originally owned by one Suburayalu Naidu. He died leaving behind his wife-Indirani, two sons-respondents 2 and 3 and his daughter-S.Lakshmi as his legal representatives. The 3rd respondent executed a Sale Deed on 07.07.2000 in respect of his share in the property in favour of his brother-2nd respondent. Thereafter, the mother of respondents 2 and 3-Indirani released her share in the property in favour of 2nd respondent. Thus, the 2nd respondent is entitled to 3/4th share in the property. Thereafter, the 2nd respondent executed a



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Power Deed in favour of one N.Ravi on 18.12.2006. Subsequently, the 2nd respondent sold the subject property in favour of one C.Krishnamurthy on 07.06.2008. Subsequently, the said C.Krishnamurthy executed a Sale Deed in favour of N.Ravi on 10.03.2014. In the meantime, there was a partition suit was filed by daughter of Suburayalu Naidu namely Lakshmi and she was allotted 1/4th share in the said partition suit.

4. The petitioner purchased 3/4th share in the property from N.Ravi under Document dated 15.09.2014. Thereafter, the petitioner submitted an application before the 1st respondent seeking issue of patta in his name based on his title. The same was rejected by the 1st respondent by the impugned order.

5. Against the order passed by the 1st respondent, the petitioner has got an alternative remedy of appeal before the Revenue Divisional Officer. Against the order passed by the Revenue Divisional Officer, the petitioner can also approach the District Revenue Officer by way of revision.

6. In view of the availability of alternative remedies of appeal and revision before the Competent Authority, the petitioner is not entitled to



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come before this Court by invoking power under Article 226 of the Constitution of India. Therefore, this Court is not inclined to entertain this writ petition.

7. However, liberty is given to the petitioner to file an appeal before the Appellate Authority namely the Revenue Divisional Officer, Thiruvannamalai, within a period of two weeks from the date of receipt of copy of this order. If any such appeal is filed by the petitioner, the same shall be considered by the Appellate Authority namely Revenue Divisional Officer, Thiruvannamalai, within a period of eight weeks from the date of receipt of such appeal, after issuing necessary notice to the petitioner and other interested parties.

8. With this liberty, the Writ Petition stands dismissed. No costs.

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Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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To

The Tahsildar,
Cheyyar,
Tiruvannamalai-606 805.



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S.SOUNTHAR, J.

dm

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