



WEB COPY

W.A.NO.24 OF 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 13.06.2024**

**CORAM:**

**THE HONOURABLE MR. JUSTICE R.SUBRAMANIAN  
AND  
THE HONOURABLE MR. JUSTICE R.SAKTHIVEL**

**W.A.NO.24 OF 2024**

**AND**

**CMP NO.167 OF 2024**

M/s.Lakshmipathi Brick Works  
A Registered Partnership Firm  
being represented by one of its Partners  
P. Srinivasan Son of K. Parthasarathy  
No.11, Vada Noombal Road,  
Perumal Agaram, Chennai – 600 077.

... Appellant /  
Petitioner

**Vs.**

- 1.The Collector  
Office of the Collector Chennai District  
Chennai – 1.
- 2.The Revenue Divisional Officer  
Office of the Revenue Divisional Officer  
Central Chennai Revenue Division.
- 3.The Tahsildar Maduravoyal Taluk  
Office of the Tahsildar Maduravoyal Taluk  
Nolambur.



4.Balan



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... Respondents /  
Respondents

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**PRAYER:** Writ Appeal filed under Clause 15 of the Letter Patent against the order dated 11.09.2023 made in W.P.No.11566 of 2023.

For Appellant : Mr.A.Palaniappan  
For Respondents 1-3: Mr.A.Selvendran  
Special Government Pleader

### **J U D G M E N T**

**(Judgment of the Court was made by R.SUBRAMANIAN, J.)**

Challenge in the writ petition was to an attempted enquiry that was to be held by the Revenue Divisional Officer.

2.The main objection of the petitioner in the Writ Court was that the Revenue Divisional Officer, being an Appellate Authority under The Tamil Nadu Patta Pass Book Act, 1983, cannot conduct an enquiry. This objection was accepted by the Hon'ble Single Judge and the Hon'ble Single Judge directed the Tahsildar to conduct an enquiry.



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3.Mr.A.Palaniappan, learned counsel appearing for the

appellant would submit that pending Writ Appeal, the third respondent - Tahsildar passed an order going into the title, which according to the learned counsel is beyond his jurisdiction. It is the grievance of the learned counsel that the Tahsildar has gone into the title and has pronounced upon it, which he is not entitled to do.

4. There are other remedies available to the appellant under The Tamil Nadu Patta Pass Book Act, 1983 itself and there is a better remedy available to the appellant in the form of a suit in a Civil Court which is now situate in almost every Taluk of the State. Further, proviso to Section 14 of The Tamil Nadu Patta Pass Book Act, 1983, also enables a person aggrieved to file a Suit under the Specific Relief Act, 1963.

5.We fail to comprehend the hesitation on the part of the litigants to approach the Civil Court and seek to widen the jurisdiction



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under Article 226 of the Constitution of India. We do not propose to lend a helping hand to such a litigant. Hence, the Writ Appeal fails and it is dismissed, leaving it open to the appellant to take appropriate proceedings to challenge the order of the Tahsildar. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

**[R.S.M., J.]**

**[R.S.V., J.]**

**13.06.2024**

Index : Yes / No  
Internet : Yes / No  
Neutral Citation : Yes / No  
Speaking Order / Non-speaking Order  
TK



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**R.SUBRAMANIAN, J.**

**AND**

**R.SAKTHIVEL, J.**

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