



W.A.(MD) No.609 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.12.2024

CORAM:

**THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN
and
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR**

**W.A.(MD) No.609 of 2021
and
C.M.P.(MD) No.2761 of 2021**

Balasubramanian

... Appellant

-VS-

1.The District Collector
Thanjavur District
Thanjavur

2.The Revenue Divisional Officer
O/o.The Revenue Divisional Officer
Pattukottai, Thanjavur District

3.The Thasildar
Pattukottai Taluk
Thanjavur District

4.Durai

5.Kamaraj

... Respondents



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Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 27.01.2021, passed in W.P.(MD) No.1259 of 2021, on the file of this Court.

For Appellant : Mr.A.N.Ramanathan

For Respondents : Mr.G.Suriya Ananth
Additional Government Pleader for R1 to R3
No appearance for R4
Mr.A.Selva Adithya
for Mr.G.Prabhu Rajadurai for R5

J U D G M E N T

[Judgment of the Court was made by RMT.TEEKAA RAMAN, J.]

The appellant herein filed the writ petition in W.P.(MD) No.1259 of 2021 challenging the order dated, 05.03.2019, passed by the Tahsildar, Pattukkottai Taluk.

2. It is to be noted that the writ petition was filed in the year 2021 challenging the order passed by the Tahsildar in the year 2019. Now, we are in 2024.



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3. According to the appellant, the scheme decree said to have been passed in O.S.No.27 of 1971, dated 21.06.1977, on the file the Sub Court, Thanjavur, has not been given effect to. Taking advantage of the same, one of the sons of a person, who is said to the trustee, has obtained a patta in his personal name as against the name of the Trust *viz.*, Thachan Thiruvasal Thaneer Panthal and according to the appellant, he is the son of the erstwhile trustee, namely, Shanmugha Pandaram, who is shown as defendant in the said suit.

4. The learned Single Judge finding that since it is only a patta transfer by the Tahsildar and as against the same, appeal remedy is available before the Revenue Divisional Officer and in fact, further provision to avail the revisional remedy under the Patta Passbook Act is also available to the appellant, dismissed the writ petition. Challenging the same, the present appeal.

5. After hearing the learned counsel for the appellant, we find that whether the order passed by the Tahsildar, which is impugned in the writ petition, is sustainable taking note of the Tamil Nadu Minor Inams (Abolition and Conversion Into Ryotwari) Act, 1963 and the procedures contemplated



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therein have been followed or not. However, since the said issues is not a subject matter of consideration, we are not inclined to go into those issues.

6. From the order dated 05.03.2019, passed by the Tahsildar, Pattukottai Taluk, it is seen that patta in respect of the property stands in the name of Thachan Thiruvasal Thaneer Panthal has been transferred in the name of the fourth respondent. As against the same, the appellant is having effective alternative remedy before the Civil Court or the Revenue Court as contemplated under the Special Act.

7. With the above liberty, this writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[T.K.R., J.] [N.S., J.]

04.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:

1.The District Collector,
Thanjavur District,
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- 2.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Pattukottai, Thanjavur District.
- 3.The Thasildar,
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