



W.P.(MD)No.7676 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.12.2024**

CORAM:

THE HONOURABLE **MRS.JUSTICE N.MALA**

W.P.(MD)No.7676 of 2023
and
W.M.P.(MD)No.7139 & 7140 of 2023

A.Habib Rahman

...Petitioner

/Vs./

1. The District Collector,
O/o. the District Collectorate Campus,
Dindigul, Dindigul District.
2. The District Revenue Officer,
O/o. the District Revenue Office,
Dindigul, Dindigul District.
3. The Revenue Divisional Officer,
Kodaikanal, Dindigul District.
4. The Thasildhar,
O/o. the Thasildhar,
Kodaikanal Taluk, Kodaikanal,
Dindigul District.

5. Muthukrishnan

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 4th respondent in his proceedings in Na.Ka.No.S. 866/2021 dated 17.11.2022 and quash the same as illegal and consequentially to direct the 4th respondent to rectify the error crept in the Computer Patta No. 8938 regarding the Survey number entered as 3A1A instead of assigning new Survey Number at Srinivasapuram, Kodaikanal Town, Dindigul District to the total extent as 2.48 cents with correct location instead of 3 Ares and 17 Sq.Meter within the period that may be stipulated by this Court.

For Petitioner : Ms.Jasima Yasmin
for M/s.Ajmal Associates
For Respondents : Mr.A.Kannan (R1 to R4)
Additional Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the 4th respondent in his proceedings in Na.Ka.No.S. 866/2021 dated 17.11.2022 with a consequential direction to the 4th respondent to rectify the error crept in the Computer Patta No. 8938, regarding the Survey number entered as 3A1A instead of assigning new Survey Number at Srinivasapuram, Kodaikanal Town, Dindigul District to the total extent



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as 2.48 cents with correct location instead of 3 Ares and 17 Sq.Meter within the period that may be stipulated by this Court.

2. Heard the learned counsel on either side and perused the materials placed before this Court.

3. The petitioner purchased the land in S.No.3, measuring to an extent of 2.48 cents situated at Block 20, Ward D, Srinivasapuram, Kodaikanal Town, Dindigul District, under the registered sale deed dated 24.12.2019, in Document No.2208 of 2019. After purchase of the said property, the petitioner submitted an application to the fourth respondent herein to mutate patta in his name along with necessary documents. While so, the petitioner came to understand that patta was issued with old survey number in S.No.3A1A measuring to an extent of 3 ares, 17 sq.m., instead of 2.48 cents by assigning new survey number. The petitioner immediately approached the fourth respondent and made an objection with regard to the erroneous entry. However, the fourth respondent did not respond. The petitioner therefore submitted a representation on 22.03.2021 to rectify the errors.



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4. Even thereafter, no action was taken by the fourth respondent. Hence, the petitioner filed a writ petition in WP(MD)No.8624 of 2021 to rectify the error crept in patta No.8938, with respect to the said survey number. This Court, vide order dated 27.04.2021, disposed the writ petition directing the respondents to consider the petitioner's representation. As the petitioner's representation was not considered, the petitioner filed a contempt petition in Cont.P.(MD)No.1150 of 2022 and during the pendency of the contempt petition, the fourth respondent passed the impugned order on 17.11.2022 rejecting the petitioner's request. The petitioner therefore filed the above writ petition for the aforesaid relief.

5. Admittedly, the impugned order passed by the fourth respondent is appealable under Section 12 of the Tamil Nadu Patta Passbook Act, 1983. The petitioner, without exhausting the alternate and efficacious remedy under the Tamil Nadu Patta Passbook Act, 1983, has directly approached this Court without any justifiable or compelling reasons for the same. I am of the view that the writ petition cannot be entertained



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and the petitioner should be relegated to the appellate authority ie., the third respondent. Therefore, the petitioner is relegated to exhaust the aforesaid appeal remedy before the third respondent under the Tamil Nadu Patta Passbook Act, 1983.

6. Accordingly, this writ petition is disposed of with liberty to the petitioner to approach the third respondent under Section 12 of the Tamil Nadu Patta Passbook Act, 1983, within a period of two weeks from the date of receipt of a copy of this order. It is needless to say that the third respondent shall issue notice to the fifth respondent and thereafter, pass appropriate orders on merits and in accordance with law by following the procedure contemplated under the Tamil Nadu Patta Passbook Act, 1983 and Rules. No costs. Consequently, connected miscellaneous petitions are closed.

13.12.2024

Index : Yes / No
NCC : Yes / No
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(1/2)



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N.MALA, J.

Sm

TO:

1. The District Collector,
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O/o. the Thasildhar,
Kodaikanal Taluk, Kodaikanal,
Dindigul District.

Order made in
W.P.(MD)No.7676 of 2023
(1/2)

Dated:
13.12.2024