



W.P.(MD)No.22276 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD)No.22276 of 2024

Kumaravel

... Petitioner

Vs.

1.The Commissioner of Land Administration,
Chepauk, Chennai.

2.The District Collector,
Trichy District,
Trichy.

3.The Revenue Divisional Officer,
Musiri Taluk,
Trichy District.

4.The Tahsildar,
Thuraiyur Taluk,
Trichy District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order, dated 30.08.2024 in proceedings in Ne.Mu.No.A6/4548/2023 of the 3rd respondent and quash the same as illegal and consequently directing the respondents to issue patta in Favor of the



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petitioner in old S.No.348/3 and new S.No.348/1A, situated at T.Murugapatti Village, Thuraiyur Taluk, Trichy District to an extent of 970 sq.ft in accordance with law within time limit as prescribed by this Court.

For Petitioner : Mr.G.Chezhiyan

For Respondents : Mr.M.Muthumanikkam
Government Advocate

ORDER

The present writ petition has been filed to call for the records relating to the impugned order, dated 30.08.2024 in proceedings in Ne.Mu.No.A6/4548/2023, of the 3rd respondent and quash the same as illegal and consequently direct the respondents to issue patta in Favor of the petitioner in old S.No.348/3 and new S.No.348/1A, situated at T.Murugapatti Village, Thuraiyur Taluk, Trichy District, to an extent of 970 sq.ft in accordance with law.

2. The petitioner was bequeathed the property in Survey No.348/3 and New Survey No.348/1A at T.Murugapatti Village, Thuraiyur Taluk, Trichy District to an extent of 970 sq.ft under a Will, dated 08.01.2021, in Document No.1/2021 by his grand-parents. After the demise of the petitioner's grand-parents, the petitioner was in continuous enjoyment and possession of the said



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property. On 27.06.2022, the petitioner submitted a representation to the 4th respondent for issuance of patta for the said property. As the 4th respondent did not consider the petitioner's representation, the petitioner filed W.P(MD)No. 24137 of 2022 and this Court by an order, dated 04.11.2022 directed the 4th respondent to consider the petitioner's representation within a period of six (6) weeks from the date of receipt of copy of the order. In pursuance to the order of this Court, the 4th respondent dismissed the petitioner's representation vide proceedings, dated 17.03.2023. Aggrieved by the order passed by the 4th respondent, the petitioner preferred an appeal to the 3rd respondent on 28.07.2023. As the 3rd respondent did not take any action, the petitioner filed W.P(MD)No.10573 of 2024. This Court by an order, dated 29.04.2024 directed the 3rd respondent to pass final orders on the appeal filed by the petitioner within a period of ten (10) weeks. The 3rd respondent thereafter passed the impugned order on 30.08.2024. Aggrieved by the said order, the petitioner has filed the above writ petition.

3. The learned Government Advocate appearing for the respondents submitted that the petitioner has an alternative remedy available under the Patta Passbook Act. The petitioner can file a revision to the District Revenue Officer against the order of the 3rd respondent.



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4. It is seen that as rightly pointed out by the learned Government Advocate, the order passed by the 3rd respondent is a revisable order as revision lies to the District Revenue Officer. Even in the impugned order, the 3rd respondent has specifically stated that the petitioner has the right of revision to the District Revenue Officer under Section 13 of the Patta Passbook Act, 1983. The petitioner without exhausting the statutory remedy, has approached this Court. The petitioner has also not given any reason for by-passing the statutory remedy.

5. The petitioner is therefore given liberty to approach the District Revenue Officer by way of revision petition. The petitioner shall file the revision petition within a period of two (2) weeks from the date of receipt of copy of this order and if the same is filed within the specified period, the District Revenue Officer shall not persist on limitation. The District Revenue Officer on receipt of the revision petition, shall issue notice of enquiry to the petitioner and all other interested parties and thereafter, pass orders on merits and in accordance with law within a period of eight (8) weeks.



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6. With the said observations, this Writ Petition stands disposed of. No

costs.

12.11.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
gbg

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N.MALA, J.

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