



W.P.(MD)No.25520 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.11.2024

CORAM

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

**W.P.(MD)No.25520 of 2024**

**and**

**W.M.P(MD)Nos.21650 and 21651 of 2024**

M.Vaithilingam

... Petitioner

Vs.

1.The District Ccollector,  
Tenkasi,  
Tenkasi District.

2.The Revenue Divisional Officer,  
Tenkasi,  
Tenkasi District.

3.The Thasildar,  
Alangulam,  
Tenkasi District.

4.The Village Administrative Officer,  
Sivalarkulam Village,  
Alangulam Taluk,  
Tenkasi District.

5.P.N.Abraham

6.Sundara Mahalingam

...Respondents



W.P.(MD)No.25520 of 2024

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the impugned order of new patta in favour of the seventh respondent bearing No.5038 in relation to the property bearing Survey Nos.1145/1, 1145/3 and 1146/1, situated at Sivalarkulam Village, Alangulam Taluk, Tenkasi District and quash the same as illegal and erroneous forthwith.

For Petitioner : Mr.S.Palanivelayutham

For R1 to R4 : Mr.A.Kannan  
Additional Government Pleader

### **ORDER**

This writ petition has been filed challenging the impugned order of new patta issued in favour of the sixth respondent bearing Patta No.5038 in relation to the property bearing Survey Nos.1145/1, 1145/3 and 1146/1, situated at Sivalarkulam Village, Alangulam Taluk, Tenkasi District.

2. According to the petitioner, the subject property was inherited by him from his ancestors. While so, respondents 5 and 6 on the basis of false and fabricated documents obtained patta in Patta No.5038. The petitioner therefore filed the writ petition for the aforesaid relief.



W.P.(MD)No.25520 of 2024

3. The learned Government Advocate for the respondents 1 to 4 submitted that the petitioner has an alternate remedy under Section 12 of the Tamilnadu Patta Passbook Act and the petitioner without exhausting the alternate remedy, approached this Court. He further submitted that this Court in W.P.(MD)No.24171 of 2024, under similar circumstances, dismissed the writ petition with liberty to the petitioner therein to file the statutory appeal. Therefore, the writ petition deserved to be dismissed.

4. Admittedly, against the impugned order passed by the third respondent, the petitioner has a right of appeal under Section 12 of the Tamilnadu Patta Passbook Act before the second respondent. The petitioner has not given any explanation in his affidavit for not exhausting the statutory remedy under Section 12 of the Act. As the petitioner has not given any plausible reason for bypassing the remedy provided under the statute, I am of the view that the writ petition cannot be entertained. As there is a statutory remedy available to the petitioner under Section 12 of the Tamilnadu Patta Passbook Act, the petitioner is directed to file an appeal before the second respondent within a period of four weeks from the date of receipt of a copy of this order. If the petitioner prefers an appeal within the time stipulated by this Court, the appeal shall be entertained by the second respondent without reference to limitation.



W.P.(MD)No.25520 of 2024

WEB COPY 5. Accordingly, this writ petitions stands disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

**05.11.2024**

NCC:yes/no  
Index:yes/no  
Internet:yes/no  
SN

**To:**

- 1.The District Ccollector,  
Tenkasi,  
Tenkasi District.
- 2.The Revenue Divisional Officer,  
Tenkasi,  
Tenkasi District.
- 3.The Thasildar,  
Alangulam,  
Tenkasi District.
- 4.The Village Administrative Officer,  
Sivalarkulam Village,  
Alangulam Taluk,  
Tenkasi District.



WEB COPY



W.P.(MD)No.25520 of 2024

**N.MALA, J.**

SN

W.P.(MD)No.25520 of 2024

05.11.2024