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W.P.(MD)No.28069 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD)No.28069 of 2024

and

W.M.P(MD)Nos.23817 and 23819 of 2024

A.Velmurugan

... Petitioner

Vs.

1.The District Collector,
Collectorate Office,
Ramanathapuram District.

2.The District Revenue Officer,
DRO Office,
Ramanathapuram District.

3.The Revenue Divisional Officer,
Revenue District Office,
Paramakudi,
Ramanathapuram District.

4.The Tahsildar,
Kadaladi Taluk,
Ramanathapuram District.

5.Selvi

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the impugned order in T.R.No.2024/27/21/000307SD, dated 30.09.2024 by the fourth respondent and quash the same as illegal.



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For Petitioner : Mr.R.Jegadeeswaran

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

ORDER

The writ petition has been filed challenging the impugned order, dated 30.09.2024 passed by the fourth respondent.

2. The petitioner owns property in S.No.81/2A to an extent of 0.55.00 Ares (136 cents) at Melakidaram Village, Kadaladi Taluk, Ramanathapuram District along with his father and others and he was issued patta in Patta No. 1089. While so, the fifth respondent based on the alleged title document dated 11.09.2024, applied for subdivision of property and for separate patta to the fourth respondent. The fourth respondent subdivided the property vide proceedings dated 30.09.2024, and issued patta in Patta No.10989 in S.F.No. 81/2A2 to an extent of 0.45.15 Ares (aprox 111 cents) in favour of the fifth respondent. Aggrieved by the order passed by the fourth respondent, the petitioner preferred an appeal before the third respondent vide representation, dated 19.11.2024. As the said appeal of the petitioner was not taken on file, the petitioner approached this Court by filing the above writ petition for the aforesaid relief.



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3. It is seen that the petitioner already approached the third respondent by way of appeal under Section 12 of the Tamil Nadu Patta Passbook Act. Even without exhausting the appeal remedy, the petitioner has rushed to this Court by way of this writ petition. I am therefore of the view that as the petitioner has already approached the third respondent by way of an appeal and as the same is pending, the writ petition for the same relief cannot be entertained.

4. In any event, as the appeal is pending without any progress, the third respondent is directed to dispose of the appeal on merits and in accordance with law after giving due notice to the petitioner and other interested parties, as expeditiously as possible.

5. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

28.11.2024

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



W.P.(MD)No.28069 of 2027

To:

- 1.The District Collector,
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Paramakudi,
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- 4.The Tahsildar,
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N.MALA, J.

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