



W.P.(MD)No.30144 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2024

CORAM

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD)No.30144 of 2024

and

W.M.P(MD)No.25364 of 2024

Krishnamoorthi

... Petitioner

Vs.

1.The District Revenue Officer,
Dindigul,
Dindigul District.

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

3.The Tahsildar,
Dindigul West Taluk,
Dindigul District.

4.The Zonal Deputy Thasildar,
Dindigul West Taluk,
Dindigul District.

5.Gopi @ Chinnakalai

...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 pertaining to the impugned order passed by the second respondent herein in Na.Ka.No.6970/2024/Aa4, dated 21.10.2024 and quash the same as illegal and



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consequently direct the second respondent to restore the patta in patta No.1295 (Joint Patta) for Survey No.259/2H (measuring about 0-4.00 Ares) and patta in Patta No.5805 (separate patta) for the survey Nos.259/2A, 2C (measuring about 0-34.00 Ares) and patta in Patta No.2042 (Joint Patta) for the Survey No.258/1B (measuring about 0-9.00 Ares)

For Petitioner : Mr.S.Sarvagan Prabhu

For R1 to R4 : Mr.R.Ragavendran
Government Advocate

ORDER

The writ petition has been filed challenging the order, passed by the second respondent, dated 21.10.2024 and consequently, directing the second respondent to restore the patta in patta Nos.1295, 5805 and 2042 for Survey Nos.259/2H, 259/2A, 2C, 258/1B to an extent of 0-4.00 Ares, 0-34.00 Ares and 0-9.00 Ares, respectively at Kamatchipuram Village, Dindigul West Taluk, Dindigul District.

2. With the consent of both parties, the writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner purchased the properties in S.Nos.258/1D, 258/1E, 258/1B, 259/2A, 259/2C, 259/2G and 259/2H to an extent of 0.01.0 hectares, 16 cents, 22 cents, 40 cents, 44 cents, 35 cents and 10 cents, at Kamatchipuram



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Village, Dindigul West Taluk, Dindigul District. In pursuance of the said purchase, the revenue records in respect of the said properties were also mutated in the name of the petitioner and pattas were also issued in his favour in Patta Nos.1295, 5805 and 2042. The fifth respondent approached the fourth respondent for issuance of patta in his favour by cancelling the pattas issued in favour of the petitioner. The fourth respondent vide order, dated 22.04.2004, rejected the fifth respondent's application and therefore, the fifth respondent approached the second respondent by way of appeal. The second respondent vide impugned order, dated 21.10.2024, set aside the order of the fourth respondent, dated 22.04.2004, by cancelling the patta in Patta Nos.1295, 5805 and 2042 issued in favour of the petitioner and restoring the patta in favour of the fifth respondent. Aggrieved by the impugned order, the petitioner filed the above writ petition for the aforesaid relief.

4. The order passed by the second respondent is revisable under Section 13 of the Tamil Nadu Patta Passbook Act, 1983. The petitioner has not whispered about the alternate remedy and also not given justifiable reasons for bypassing the alternate remedy.

5. In view of the fact, the order passed by the second respondent is revisable under Section 13 of the Tamil Nadu Patta Passbook Act and also in



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view of the fact that the petitioner has not given justifiable reasons for not exhausting the alternate remedy, the writ petition cannot be sustained and therefore, the same is dismissed. In any event, the petitioner is given liberty to approach the first respondent by way of appeal under Section 13 of the Tamil Nadu Patta Passbook Act. No costs. Consequently, the connected miscellaneous petition is closed.

12.12.2024

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

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N.MALA, J.

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