



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.12.2024**

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P(MD)NO.30253 OF 2024

and

W.M.P(MD)No.25457 of 2024

R.Muthulakshmi

: Petitioner/Petitioner

.VS.

- 1.The District Collector,
Office of the District Collector,
Ramanathapuram,
Ramanathapuram District.
- 2.The District Revenue Officer,
Office of the Revenue Office,
Ramanathapuram,
Ramanathapuram District.
- 3.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Ramanathapuram District.
- 4.The Tahsildar,
Office of the Tahsildar Office,
Ramanathapuram Taluk,
Ramanathapuram District.
- 5.Arunachalam,
Son of Muthukamatchi Pillai,
Chairman,
Kamatchiamman Kovil Trust,
Bharathi Nagar,
Best Mommy Bakery Backside,
Ramanathapuram District.



5. Thayuanalingam,,
Son of Gopala krishnan,
Secretary,
Kamatchiamman Kovil Trust,
South Street,
Uthirakosamanagai,
Keekakarai Taluk,
Ramanathapuram District.

6. Mr. Ramasamy @ Shanmugam,
Son of Mangalam Pillai,
Treasurer,
Treasurer,
Kamatchiamman Kovil Trust,
No.27/41, Madurai Chettiyar Street,
Near Velipattinam,
Ramanathapuram.

: Respondents/Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records in connection with the impugned order passed by the fourth respondent in Na.Ka.No.Aa7/2222/2024, dated 30.6.2024 and to quash the same as unconstitutional and illegal and consequently to direct the third respondent to issue patta in favour of the Petitioner for the properties in Town Survey No.8 and 9 part, Pattinamkaththan Group, Peravoorani GRS.No.158/6,8,10 Part to an extent of 3045, 2176 sq.ft respectively situated at Block No.12, Ward D, Ramanathapuram Town, Ramanathapuram Taluk, Ramanathapuram District.

For Petitioner : Mr.D.Balamurugapandi

For Respondents : Mr.A.Kannan,
1 to 4 Addl.Govt.Pleader

ORDER

This Writ Petition is filed for a Writ of Certiorarified



Mandamus calling for the records in connection with the impugned order passed by the fourth respondent in Na.Ka. No.Aa7/2222/2024, dated 30.06.2024 and to quash the same as unconstitutional and illegal and consequently to direct the third respondent to issue patta in favour of the Petitioner for the properties in Town Survey No.8 and 9 part, Pattinamkaththan Group, Peravoorani GRS.No.158/6,8,10 Part to an extent of 3045, 2176 sq.ft respectively, situated at Block No.12, Ward D, Ramanathapuram Town, Ramanathapuram Taluk, Ramanathapuram District.

2.Mr.A.Kannan, learned Additional Government Pleader takes notice for the respondents 1 to 4. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The Petitioner purchased the property in Town Survey No. 8 and 9 part, Pattinamkaththan Group, Peravoorani GRS.No. 158/6,8,10 Part to an extent of 3045 and 2176 sq.ft under a registered sale deed dated 20.4.2000. The Petitioner constructed a house in the aforesaid property and thereafter submitted a representation to the respondents on 6.4.2024, requesting them to grant patta in her favour. The Petitioner also filed W.P(MD)No.



10278 of 2024 to consider the aforesaid representation and the same was ordered on 25.4.2024, and in compliance of the order passed by this Court, the fourth respondent passed the impugned order on 30.6.2024, rejecting the Petitioner's request for grant of patta. The Petitioner, therefore, filed the above Writ Petition for the aforesaid relief.

4. Indisputably, the order passed by the fourth respondent is an appealable order under Section 12, of the Patta passbook Act. The Petitioner has an alternative and efficacious remedy under the said provision. The Petitioner has not even whispered about the alternative remedy and without exhausting the same, the Petitioner has directly approached this Court as if there was no other remedy available to her. In the absence of any justifiable and compelling reasons for not availing the alternative remedy, I am of the view that the Petitioner should be relegated to avail the statutory forum by way of appeal under Section 12 of the Patta pass book Act. It is useful to refer hereto the Judgment of the Honourable Supreme Court in **Commissioner of Income Tax and Others Vs. Chhabil Dass Agarwal** reported in **2014(1)SCC 603**. The relevant para reads as follows:

"15. Before discussing the fact proposition, we would notice the principle of law as laid down by this Court. It is settled law that non-



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entertainment of petitions under writ jurisdiction by the High Court when an efficacious alternative remedy is available is a rule of self-imposed limitation. It is essentially a rule of policy, convenience and discretion rather than a rule of law. Undoubtedly, it is within the discretion of the High Court to grant relief under Article 226 despite the existence of an alternative remedy. However, the High Court must not interfere if there is an adequate efficacious alternative remedy available to the petitioner and he has approached the High Court without availing the same unless he has made out an exceptional case warranting such interference or there exist sufficient grounds to invoke the extraordinary jurisdiction under Article 226. (See: State of U.P. vs. Mohammad Nooh, AIR 1958 SC 86; Titaghur Paper Mills Co. Ltd. vs. State of Orissa, (1983) 2 SCC 433; [Harbanslal Sahnia vs. Indian Oil Corpn. Ltd.](#), (2003) 2 SCC 107; „State of H.P. vs. Gujarat Ambuja Cement Ltd. (2005) 6 SCC 499)".

5. In the light of the above discussions, I find no merit in the Writ Petition. In any event, the Petitioner is given liberty to file an appeal before the second respondent by way of appeal under Section 12 of the Patta passbook Act. The Petitioner is directed to file an appeal within a period of two weeks from the date of receipt of a copy of this order. If the Petitioner files an appeal within the stipulated period, the second respondent shall consider the same without referring to the period of limitation. In case, the Petitioner files the appeal beyond the period of limitation, the second respondent shall consider the question of limitation while



disposing of the appeal.

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6. With the above directions, the Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

16.12.2024

NSC :Yes/No
Index:Yes/No
Internet:Yes/No

vsn

To

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N.MALA, J.

vsn

ORDER MADE IN
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and
W.M.P(MD)No.25457 of 2024

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