

W.A.No.1455 of 2025

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 30.04.2025**

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**CORAM :**

**THE HONOURABLE DR.JUSTICE ANITA SUMANTH  
and  
THE HONOURABLE MR.JUSTICE C. KUMARAPPAN**

**Writ Appeal No.1455 of 2025  
and  
CMP.No.11088 of 2025**

1.C.Chandragupta

2.R.Sarada

.. Appellants

VS

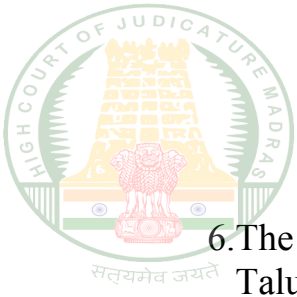
1.R.V.Saravanamuni

2.V.Dhanabakkiam

3.The District Collector,  
Tiruvallur Collectorate Office,  
Master Plan Complex NH 205,  
Chennai – Tiruttani Highway,  
Tiruvallur – 602 001.

4.The District Revenue Officer,  
Tiruvallur Collectorate Office,  
Master Plan Complex NH 205,  
Chennai Tiruttani Highway,  
Tiruvallur-602 001.

5.The Revenue Divisional Officer,  
Bharathiyar Street,  
SP Nagar, Tiruvallur – 602 003.



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6.The Tahsildar,  
Taluk Office, Poonamallee,  
JN Road, NH 716,  
Tiruvallur District.

.. Respondents

Prayer : APPEAL filed under Clause 15 of the Letters Patent against the order dated 25.02.2025 in W.P.No.12241 of 2023 on the file of this Court.

For Appellants : Mr.M.Karthikeyan

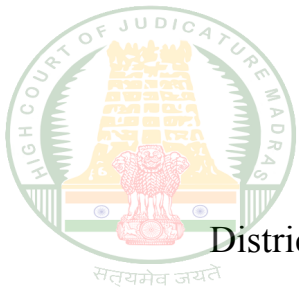
For Respondents : Mr.A.Selvendran (for R3 to R6)  
Special Government Pleader

### **JUDGMENT**

*(Delivered by Dr.ANITA SUMANTH..J)*

Mr.V.Selvendran, learned Special Government Pleader accepts notice for the official respondents/R3 to R6. In light of the order proposed to be passed in this Writ Appeal, no notice is thought necessary to R1 and R2.

2. The appellants are the private respondents/R5 and R6 in the Writ Petition. The Writ Petition had been filed by R1 and R2 in this appeal seeking writ of Certiorarified Mandamus calling for and quashing the records of the 3<sup>rd</sup> respondent, the Revenue Divisional Officer, Thiruvallur, in terms of which, patta bearing Nos.3337 and 3338 with respect to the land in S.No.82/3 Old Survey No.49/4 situated in Noombal Village, Mathuravelappan Chavadi, Poonthamallee Taluk, Thiruvallur



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District (in short 'lands'/'lands in question') had been cancelled. A consequential prayer has been sought by R1 and R2 directing the Revenue Divisional Officer (RDO) and the Tahsildar to restore the patta with respect to the lands in question.

3. The Writ Petition has come to be allowed on 25.02.2025 by way of remand, as the Writ Court was of the view that the RDO had not considered relevant documents. The present appeal is filed by the private respondents in the Writ Petition on the ground that the Writ Court ought to have relegated the Writ Petitioners to statutory appeal in terms of Section 13 of the Patta Pass Book Act, 1983.

4. For this purpose, he relies on the judgment of the Hon'ble Supreme Court in *Whirlpool Corporation V. Registrar of Trade Marks, Mumbai and others* ((1998) 8 SCC 1), wherein the Supreme Court sets out the circumstances when the bar of alternate remedy may be waived.

5. According to the appellants, in the present case, those exclusions did not arise and hence, a strict view ought to have been taken by the Writ Court and the Writ Petitioners relegated to statutory appeal.

6. We are not inclined to entertain this Writ Appeal, insofar as the Writ Court has specifically referred to certain documents that have been referred to by R1 and R2 and hence expressed a view that it will be



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appropriate that the matter be remitted to the RDO for de novo disposal having regard to those documents as well, if the officer should find it appropriate.

7. The Writ Court has consciously ensured that the principles of natural justice should be followed by issuing notices to the present appellants as well. In this view of the matter and particularly as no prejudice is caused to the present appellants by virtue of the order passed in the Writ Petition, we concur with the directions given by the writ Court.

8. We observe that the bar of alternate remedy is not a cast iron shield that has to be invoked in all matters involving a statutory appellate remedy and that the Writ Court has ample breadth and width of jurisdiction under Article 226 of the Constitution of India to decide in which case that bar would apply and in which case the same may be waived.

9. This Writ Appeal and the connected Miscellaneous Petition are dismissed. No costs.

[A.S.M., J] [C.K., J]  
30.04.2025

sl  
Index: Yes/No  
Speaking order  
Neutral Citation: Yes



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To  
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