



W.P.(MD)No.5433 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2025

CORAM:

THE HON'BLE MR.JUSTICE P.B. BALAJI

W.P.(MD).No.5433 of 2025
and
W.M.P(MD)No.3985 of 2025

Beniel Nephthali

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Tiruchendur Taluk,
Thoothukudi District.

2. The Thasildar,
Eral Taluk,
Thoothukudi District.

3. Krishnakumar

4. Rajalingam

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the 1st respondent proceeding in A7/9372/2024 dated 17.01.2024 and quash the same as illegal and consequently direct the 2nd respondent to restore the patta for the lands to an extent of 3.11 cents in Natham New S.No.324/38 in Natham S.No. 129/1B of Nazareth Revenue Village in the name of the petitioner.



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For Petitioner : Mr.S.Sukumar

For R1 and R2 : Mr.B.Saravanan
Additional Government Pleader

ORDER

Mr.B.Saravanan, learned Additional Government Pleader takes notice on behalf of the respondents 1 and 2.

2. Considering the limited scope of relief sought for in the writ petition, with the consent of the learned counsel on either side, the writ petition is taken up for final disposal.

3. Though the petitioner has challenged the impugned order passed by the Revenue Divisional Officer in A7/9372/2024 dated 17.01.2024 raising several grounds, the said impugned order passed by the Revenue Divisional Officer is appealable to the District Revenue Officer, Thoothukudi. The petitioner is entitled to approach the appellate authority that has been prescribed under the Act and without resorting to the effective and efficacious alternative remedy, the petitioner has straight away approached the Court by filing the present writ petition.



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4. Considering the availability of an appeal remedy, this writ petition is disposed of with a direction to the petitioner to challenge the impugned order of the Revenue Divisional Officer dated 17.01.2024 before the District Revenue Officer, Thoothukudi.

5. Registry shall return the original impugned order which has been filed along with the writ petition, within a period of 1 week. The petitioner shall prefer the statutory appeal within a period of 4 weeks from the date of receipt of a certified copy of the impugned order from the Registry, and if such appeal is filed within the said period, the same shall be entertained without raising the issue of limitation.

6. In view of the above, writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

28.02.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm



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P.B.BALAJI, J.

rgm

To

1. The Revenue Divisional Officer,
Tiruchendur Taluk,
Thoothukudi District.
2. The Thasildar,
Eral Taluk,
Thoothukudi District.

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