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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.09.2025

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THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.6863 of 2025

and

W.M.P(MD)Nos.5143, 5144 & 6782 of 2025

Kumaravel

...Petitioner

Vs

1. The District Revenue Officer,
Thoothukudi District
2. The Revenue Divisional Officer,
Tiruchendur, Thoothukudi District
3. The Tahsildar ,
Tiruchendur Taluk,
Thoothukudi District
4. Senthurpandi Nadar

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records pertaining to the impugned Order of the 2nd respondent dated 30.01.2025 and quash the same.

For Petitioner	: M/s.K.Chengiz Khan
For Respondents	: Mr.K.Balasubramani Special Government Pleader for R1 to R3 Mr.K.Prabhu Rajadurai for R4



ORDER

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An order of mutation of patta was issued by the jurisdictional Tahsildar in favour of the petitioner. On the ground *inter alia* that such order was issued without notice to the fourth respondent, the fourth respondent challenged the order of the Tahsildar before the Revenue Divisional Officer. The Revenue Divisional Officer decided the matter by order dated 30.01.2025, which is impugned herein.

2. Learned counsel for the fourth respondent raised the preliminary objection that a revision lies before the District Revenue Officer against the order passed by the Revenue Divisional Officer under the Tamil Nadu Patta Passbook Act, 1983.

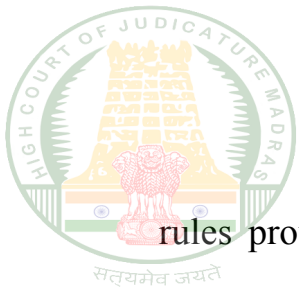
3. In response, learned counsel for the petitioner submits that the Revenue Divisional Officer committed a patent error in holding that the petitioner had contended that there was an UDR error. According to learned Counsel, such contention was raised by the fourth respondent and not by the petitioner. By relying on the judgment of the Division Bench of this Court in *Vishwas Footwear Company Limited Vs. The District Collector, Kancheepuram and others* reported in 2011 (5) CTC 1994, particularly paragraph Nos.17 to 19 thereof, learned counsel contends that the jurisdiction of this Court is not ousted or excluded in matters relating to decisions of the Revenue Divisional Officer.



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4.Learned Counsel for the fourth respondent submits that the decision of the Division Bench in Vishwas Footwear was considered in a subsequent judgment by the same Bench in Secretary, Hameedia Jamia Pallivasal Vs. Government of Tamil Nadu and others, judgment dated 10.01.2018 in W.A.No. 1458 of 2013. In particular, learned Counsel submits that it would not be necessary for the fourth respondent to approach the civil court in view of the fact that the fourth respondent's predecessor's name was reflected even in the patta passbook.

5.As correctly contended by learned counsel for the petitioner, the jurisdiction of this Court under Article 226 of the Constitution of India is not ousted by the existence of an alternative remedy. The existence of an alternative remedy is, however, a material consideration while deciding whether to exercise discretionary jurisdiction. On the fact of this case, it is evident from the impugned order that such order was issued after hearing the petitioner and after considering the material submitted by the petitioner. In those circumstances, on the basis of the contention that such materials were not properly appreciated, I am not inclined to exercise discretionary jurisdiction. The impugned order was issued on 30.01.2025 and 90 day limitation period expired. Considering that the



rules provide for condonation, if the petitioner presents the revision petition within 15 days from the date of receipt of a copy of this order, the District Revenue Officer, Thoothukudi District shall receive and dispose of the same on merits without going into the question of limitation.

6. Accordingly, this writ petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petitions are also closed.

10.09.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR

To

1. The District Revenue Officer,
Thoothukudi District
2. The Revenue Divisional Officer,
Tiruchendur, Thoothukudi District
3. The Tahsildar ,
Tiruchendur Taluk,
Thoothukudi District



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SENTHILKUMAR RAMAMOORTHY, J.

RJR

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