

W.P(MD)NO.15727 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.07.2025

CORAM:

THE HON'BLE MR JUSTICE S.SOUNTHAR

W.P(MD)No.15727 of 2025

and

W.M.P(MD)No.11945 of 2025

Balamurugan

... Petitioner

.Vs.

1.The Revenue Divisional Officer,
Aranthangi,
Pudukkottai District.

2.The Tahsildar,
Avudaiyarkovil Taluk,
Pudukkottai District.

3.Eswari

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records pertaining to the impugned order passed by the first respondent in his proceedings in Ni.Mu.3330/2024/A3, dated 15.04.2025 and quash the same as illegal.

For Petitioner : Mr.T.Leninkumar

For Respondents : Mr.A,Baskaran
1 and 2 Addl.Govt. Pleader



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For Respondent-3 : Mr.C.Jeyaprakash

ORDER

The Writ Petition is filed challenging the order passed by the first respondent allowing the application filed by the third respondent and directing registration of revenue records in the name of third respondent's father.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.It is the case of the Petitioner that the subject property comprised in S.NO.283/10 and New S.No.283/10A measuring 0.03.5 hectares has been in possession and enjoyment of the Petitioner's family for several years. The third respondent submitted an application before the first respondent alleging that the second respondent issued patta for a larger extent to the Petitioner when the land available on ground is only 0.02.20 hectares. The third respondent also claimed that the remaining 0.01.30 hectares belong to her. The first respondent, after enquiry passed the impugned order directing the second respondent to rectify the patta No.581 issued to an extent of 0.01.20 hectares and registration of the same in the name of Elumalai.



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WEB COPY 4.The learned counsel for the Petitioner submits that in the guise of considering the appeal filed under the Patta Passbook Act, the first respondent decided the question of title over the subject property and therefore, the impugned order passed by the first respondent is vitiated by error of jurisdiction.

5.The learned counsel for the contesting third respondent would submit that the first respondent considered the documents filed by the third respondent and came to the conclusion that 0.01.20 ares in the subject survey number registered in the name of third respondent's father Elumlai. The learned counsel further submitted that against the impugned order passed by the first respondent, remedy of revision is available to the Petitioner and without availing the alternative remedy, the Petitioner is not entitled to invoke the writ jurisdiction.

6.Admittedly, as per the provision of Patta Passbook Act, against the order passed by the Revenue Divisional Officer, revision would lie before the District Revenue Officer. Without availing the alternative statutory remedy available under the Patta Passbook Act, the Petitioner is not entitled to approach this Court.



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7.A perusal of the impugned order would suggest that the Petitioner effectively participated in the proceedings before the first respondent and copy of the impugned order was marked to the Petitioner. There is no violation of natural principles of justice. In such circumstances, there is no justification for the Petitioner to come before this Court ignoring the statutory remedy of revision available under the Patta Passbook Act and accordingly, this Court is not inclined to entertain the instant Writ Petition.

8.Therefore the writ Petition is dismissed, with liberty to the Petitioner to invoke the revisional remedy available under the Patta Passbook Act. The Petitioner shall file the revision before the District Revenue Officer concerned within a period of three weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

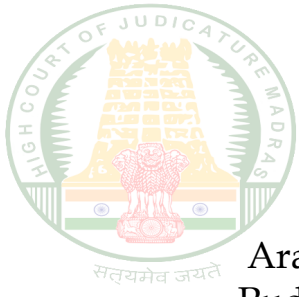
10.07.2025

NCS : Yes/No
Index : Yes / No
Internet : Yes / No
vsn

To

1.The Revenue Divisional Officer,

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Aranthangi,
Pudukkottai District.

2.The Tahsildar,
Avudaiyarkovil Taluk,
Pudukkottai District.

S.SOUNTHAR.,J.

vsn

ORDER MADE IN

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