



W.P.(MD)No.29117 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **21.03.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.29117 of 2024

and

W.M.P.(MD)No.24632 of 2024

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.... Petitioner

/Vs./

1. Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Musiri Sub Division,
Trichy District.

2. Revenue Tahsildar,
Thottiyam Taluk Office,
Trichy District.

.... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records in connection with impugned proceedings from second respondent in Na.Ka.A2/375/2023 Dated 09.08.2024, and SET ASIDE the same as illegal and consequently Directing the respondent to register the petitioner's D-Form Patta in the Kolakudi Village, Natham Register.



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W.P.(MD)No.29117 of 2024

For Petitioner : Mr.M.VRT.Murugan

For R1 & R2 : Mr.S.Kameswaran
Government Advocate

ORDER

The petitioner has filed the present writ petition challenging the order of the Revenue Tahsildar the second respondent in Na.Ka.A2/375/2023 dated 09.08.2024.

2. I have heard the learned counsel appearing for the petitioner and Mr.S.Kameswaran, learned Government Advocate appearing for the respondents.

3. On going through the grounds of challenge, I find that there is no grievance of the petitioner that there has been violation of principles of natural justice. The challenge is only on the merits of the findings rendered by the Revenue Tahsildar. While that being the position, when there is an effective, efficacious remedy by way of an appeal under Section 12 of the Patta Passbook Act, it is just and proper that the petitioner exhaust the remedies available under the Act before



W.P.(MD)No.29117 of 2024

approaching this Court under Article 226 of the Constitution of India.

This Court can certainly not go into questions of fact, which are disputed by the respondents. Even in the counter, the respondents have raised several contentions refuting the claims of the petitioner on facts and therefore, it would be proper for the petitioner to file an appeal before the first respondent.

4. Considering the fact that the time limit for preferring an appeal has lapsed by this passage of time, the writ petition is disposed of in the following manner:

(i) The Registry shall return the original order impugned in the writ petition in Na.Ka.A2/375/2023, dated 09.08.2024 to the counsel for the petitioner within a period of two weeks from the date of receipt of a copy of this Court across getting necessary acknowledgement/receipt from the counsel for the petitioner.

(ii) Within a period of four weeks thereafter, the petitioner shall prefer an appeal to the first respondent and on such appeal being preferred by the petitioner, within the said four weeks, the first respondent, without rejecting the appeal on the ground of limitation, shall



W.P.(MD)No.29117 of 2024

entertain the appeal and pass orders on merits and in accordance with law.

(iii) In the meantime, the parties shall maintain status quo. No costs.

Consequently, connected miscellaneous petition is closed.

Index : Yes / No

NCC : Yes / No

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21.03.2025

To

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2. Revenue Tahsildar,
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W.P.(MD)No.29117 of 2024

P.B. BALAJI, J.

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Order made in
W.P.(MD)No.29117 of 2024
and
W.M.P.(MD)No.24632 of 2024

Dated:
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