

(2011) 07 MAD CK 0375

In the Madras High Court

Case No : Writ Petition No. 1837 of 2006

T. Subramanian Thevar

APPELLANT

Vs

The Revenue Divisional Officer and Sivanukonar, Adopted Son
of Madasamy Konar

RESPONDENT

Date of Decision : 13-07-2011

Acts Referred:

Citation : (2011) 07 MAD CK 0375

Hon'ble Judges : Vinod K. Sharma, J

Bench : Single Bench

Advocate : M. Vallinayagam, for the Appellant; S. Bharathi, Government Advocate for R-1 and S. Meenakshi Sundaram, for R-2, for the Respondent

Final Decision : Allowed

Judgement

Vinod K. Sharma, J.—The Petitioner seeks Writ in the nature of Certiorari, for quashing the order dated 10.06.2005, passed by the first Respondent / Revenue Divisional Officer, vide which the change of patta is ordered.

2. Though the remedy with the Petitioner is by way of Revision, but keeping in view the fact, that this writ petition was admitted in the year 2006, No. useful purpose would be served to relegate the Petitioner to alternative Statutory remedy of Revision, as it would be mere ritual, as the impugned order passed by the first Respondent is patently without jurisdiction.

3. As per the Tamil Nadu Patta Pass Book Act 1983, any change in patta is to be carried out by the Tahsildar, on an application moved by the aggrieved party. The order of the Tahsildar is then subject to the Appeal and then Revision.

4. A reading of the impugned order shows, that the first Respondent / Revenue Divisional Officer, being an Appellate Authority, entertained a Revision, which was not within his jurisdiction.

5. The Appellate Authority has No. suo motu power, as in the case of Revisional

Authority.

6. It is well settled that the Statutory powers have to be exercised strictly in accordance with the Statute. The first Respondent / Revenue Divisional Officer can only hear the Appeal, against the decision of the change of patta by the Tahsildar.

7. This writ petition is accordingly, allowed, the impugned order dated 10.06.2005 passed by the first Respondent / Revenue Divisional Officer is set aside.

8. The liberty is granted to the second Respondent, to move the concerned Tahsildar in accordance with law for change of patta, if so advised.

9. No. costs.