

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.16805 of 2015
and M.P.Nos.1 and 2 of 2015

G.Prabhakaran

... Petitioner

Vs.

1. District Revenue Officer
cum Additional District Judge,
Thiruvallur District,
Thiruvallur,
 2. The District Collector,
Thiruvallur District,
Thiruvallur,
 3. Thiru.,Sheik Jamal Basha,
 4. V.Narayanan
- .. Respondents

Respondent NO.4 is impleaded as a party
as per order dated 19.8.2015 in M.P.No.3 of 2015.

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorari to call for the records pertaining to the proceedings of the first respondent in Na.Ka.6966/2015/Aa3 dated 18.03.2015 and to quash the same as illegal, invalid, incompetent and ultra vires.

For Petitioner : Mr.R.Chellamuthu

For Respondents : Mr.A.Kumar, Spl.G.P for RR.1 and 2
Mr.M.Mayakrishnan for R.3
No Appearance for R.4

ORDER

By consent of the learned counsel appearing on either side, the writ petition itself is taken up for final hearing.

2. The petitioner has come forward to challenge the proceedings of the first respondent in Na.Ka.6966/2015/Aa3 dated 18.03.2015, by which the parties were asked to appear for enquiry in

pursuant to the petition given before the Collectorate on the Grievance day.

3. Learned counsel appearing for the petitioner submitted that the 1st respondent does not have jurisdiction as it is for the Tashilar concerned to look into the issues pertaining to the patta.

4. Learned counsel appearing for the private respondents made reliance upon the Government Order in G.O.Ms.No.385 Revenue (Public-3) Department, dated 17.8.2004 and submitted that insofar as rectification of defects updating the register cases are concerned, the 1st respondent has got jurisdiction.

5. By way of reply, learned counsel appearing for the petitioner submitted that it is not a case of rectification of defects. A further submission has been made that the civil proceedings initiated by the private respondents have been concluded in favour of the petitioner.

6. These are the matters to be considered by the 1st respondent. Suffice to direct the 1st respondent to consider and decide all the issues, both on facts and law. While doing so, the 1st respondent has to check and verify his own jurisdiction on the applicability of the above said Government Order in G.O.Ms.No.385 Revenue (Public-3) Department, dated 17.8.2004 and Insofar as merits of the case are concerned, the effect of the judgment and decree rendered by the Civil Court inter se parties. The question as to whether the issue raised would come under the Government Order passed in G.O.Ms.No.385 Revenue (Public-3) Department, dated 17.8.2004 is a question of fact to be decided by the 1st respondent. The 1st respondent is directed to issue notice to the parties fixing the date of hearing, afford sufficient opportunity and pass a detailed and reasoned order by considering all the contentions raised.

With the above said observation, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

-Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1. District Revenue Officer
cum Additional District Judge,
Thiruvallur District, Thiruvallur,

2. The District Collector,
Thiruvallur District,
Thiruvallur,

+1 cc to Mr.R.Chellamuthu, Advocate (sr.52096)

+1 cc to Government Pleader (sr.52178)

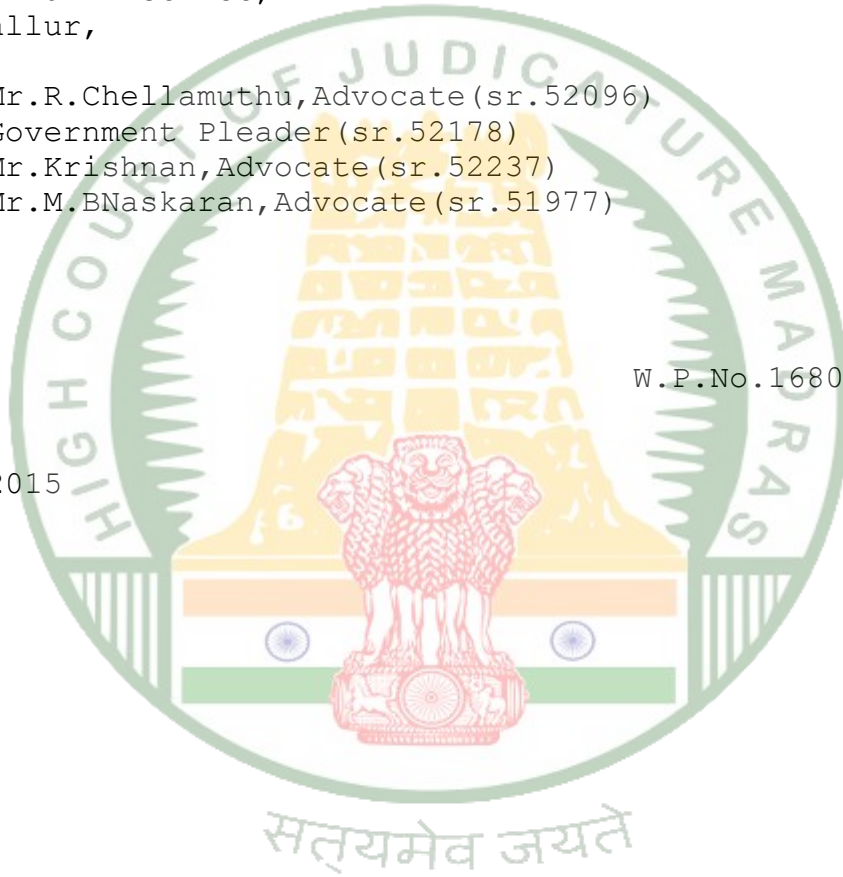
+1 cc to Mr.Krishnan, Advocate (sr.52237)

2+ cc to Mr.M.BNaskaran, Advocate (sr.51977)

W.P.No.16805 of 2015

GJ(co)

cp 07/10/2015



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