

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.22062 of 2015

P.Raji

... Petitioner

-Vs-

1.The District Collector,
Office at Vangikal,
Thiruvannamalai District,
Thiruvannamalai-606 601.

2.The Revenue Divisional Officer,
Office at Thiruvathi Puram,
Cheyyar- 604 407.

3.Thasildar,
Vandavasi Taluk,
Thiruvannamalai District.
Pin- 604 408.

4.P.Shanmugam,

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent herein to pass appropriate order with reference to the revision petition as appeal already submitted by the writ petitioner dated 02.09.2013 in order to struck down the individual Patta No.252 stands in the name of the 4th respondent and consequently issue a joint patta No.1005 as existed prior to the year 2007 within the stipulated period prescribed by this Court.

For Petitioner : Mr.G.Thangavel

For Respondents: Mr.V.Subbiah,
Special Government Pleader for R1 to R3

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner on an earlier occasion, has approached this Court by filing W.P.No.1919 of 2012 praying for issuance of writ of mandamus, directing the 2nd respondent therein 3rd respondent herein to pass orders in his representation dated 06.03.2010 and to struck down the individual patta No.252 stands in the name of the 4th respondent herein and consequently, issue a joint patta No.1005 as existed prior to the year 2007-2008. This Court has dismissed the writ petition. But however, granted liberty to the petitioner to approach the appellate authority in accordance with law challenging any order passed by the Tahsildar. Accordingly, the petitioner challenged the said order by filing an appeal before the 2nd respondent and he rejected the same vide order dated 29.05.2013. The petitioner aggrieved by the said order preferred an appeal to the 1st respondent.

3. The grievance expressed by the petitioner, the 1st respondent instead of deciding the appeal forwarded the same to the 2nd respondent, the very same officer, who rejected the appeal vide order dated 29.05.2013, to adjudicate the issue once again. Challenging the legality of the same, the petitioner has filed this writ petition.

4. Heard the submission of the learned counsel appearing for the petitioner and Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of respondents 1 to 3.

5. Admittedly, the Revenue Divisional Officer has rejected the request made by the petitioner vide proceedings in O.Mu.A2/1642/2012 dated 29.05.2013. The petitioner aggrieved by the same, has preferred an appeal dated 02.09.2013 to the 1st respondent. A perusal of the proceedings of the 1st respondent dated 29.11.2013 would disclose that the 1st respondent has forwarded the appeal papers once again to the second respondent for consideration. In the considered opinion of this Court, the said course adopted by the 1st respondent is unsustainable for the reason that the petitioner has preferred an appeal to the 1st respondent challenging the order passed by the second respondent itself and therefore, the 1st respondent cannot remit the matter to the second respondent without setting aside the said order.

In the result, this writ petition is disposed of and the 1st respondent is directed to treat the appeal dated 02.09.2013 as revision and after putting the 4th respondent herein on notice, shall

dispose of the revision petition in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner as well as to the 4th respondent. No costs.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

vsm

To

- 1.The District Collector,
Office at Vangikal,
Thiruvannamalai District,
Thiruvannamalai-606 601.
- 2.The Revenue Divisional Officer,
Office at Thiruvathi Puram,
Cheyyar - 604 407.
- 3.Thasildar,
Vandavasi Taluk,
Thiruvannamalai District.

1 cc to Mr. G. Thangavel, Advocate, Sr. 37701
1 cc to Government Pleader, Sr. 37741

W.P.No.22062 of 2015

MG (CO)
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