

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.26324 of 2015  
& M.P.Nos.1 and 2 of 2015

R.Gunasekaran

... Petitioner

Vs

1.The District Collector,  
Cuddalore District,  
Cuddalore.

2.The President-cum-  
Special Deputy Collector,  
(Revenue Court), Cuddalore.

3.Chandrasekaran  
Executive Officer,  
A/M, Sri Sivasubramaniam Temple,  
Melpattambakkam, Panruti Taluk,  
Cuddalore District.

.... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of writ of Certiorari call for the records and quash the entire proceedings in PTA 67/2012, dated 20.09.2013 on the file of the second respondent including the order dated 07.04.2015 passed by the second respondent in PTA 67/2012 and the order thereupon passed by the first respondent on 09.07.2015 in Na.Ka.G1/8294/2015.

For Petitioner ... Mr.R.Gururaj

For Respondents 1 & 2 ... Mr.P.Sanjay Gandhi, AGP

O R D E R

The writ petition is filed to issue a writ of Certiorari to quash the entire proceedings in PTA 67/2012, dated 20.09.2013 on the file of the second respondent including the order dated 07.04.2015 passed by the second respondent in PTA 67/2012 and the order thereupon passed by the first respondent on 09.07.2015 in Na.Ka.G1/8294/2015.

2. Proceedings have been initiated against the petitioner on an application given under Section 19(3) of the Tamil Nadu Public Trust Act, 1961. Against the interim order passed, the petitioner filed an appeal which was rejected. Thereafter, a final order was passed. Challenging the final order dated 07.04.2015, the petitioner filed an appeal under Section 17(1) of the Tamil Nadu Public Trust Act read with Rule 16 of the Tamil Nadu Public Trust Rules, 1962. By an order dated 09.07.2015, the said appeal was disposed of by directing the petitioner to seek his remedy under Section 22 of the said Act.

3. Learned counsel for the petitioner would submit that an appeal is provided under Section 17 of the Act and therefore, the order impugned cannot be sustained in the eye of law.

4. This Court is not inclined to accept the submissions made by the learned counsel for the petitioner. Section 17 comes under Chapter-II and it deals with an appeal to be initiated by a trust since by a public trust or any other person by decision of the various officer under the said Chapter. Thus, what is applicable to the case on hand is Section 19(3) of the Act. Under the said provision, an application has to be filed by a trust since a Public Trust while seeking to convert a cultivating tenant. As against the order passed under Section 19(3) of the Act, a revision would only lie to the District Court. An application under Section 17(3) and the revision under Section 22 comes under Chapter III. Therefore, the order impugned has been correctly passed stating that Section 17 of the Act has no application to the case of the petitioner. Admittedly, even according to him he is a tenant.

5. Thus, there is no infirmity in the order impugned. Accordingly, the petition is dismissed. Further, taking into consideration the fact that the petitioner has been approaching a wrong forum a further period of four weeks thereafter from the date of receipt of a copy of this order is given to the petitioner to prefer an appeal.

6. Registry is directed to return the original orders impugned in this writ petition by substituting the copies of the same. In the meanwhile, both the parties are directed to maintain status quo.

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

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

smi  
To

- 1.The District Collector,  
Cuddalore District,  
Cuddalore.
- 2.The President-cum- Special Deputy Collector,  
(Revenue Court), Cuddalore.

+1cc to Mr.R. Guruj, Advocate, S.R.No.45595

+1cc to the Government Pleader, S.R.No.45491

KGK (CO)  
EU(10/09/2015)

W.P.No.26324 of 2015

सत्यमेव जयते  
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