

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.36257 of 2015 & MP.Nos.1,2 of 2015

Mr.P.M.Rajasekaran

.. Petitioner

Vs.

1 The Commissioner
Land Commissioner
Ezhilagam, Chepauk
Chennai-5.

2 The Revenue Divisional Officer/
The Authorised Officer
Tamilnadu Land Reforms [Fixation
of Ceiling on Land Act]
Villupuram Division, Villupuram District.

3 A.Rajangam

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari, calling for the records pertaining to the impugned proceedings Ref.No.RP.No.9/2015 dated 01.06.2015 of the 1st respondent and the consequential order of the 2nd respondent vide proceedings Ref.No.A4/M.R.I/58R/Tin/17.70 dated 14.08.2015 leading to the issuance of the notification vide G.O.No.189 dated 01.09.2015 and quash the same.

For Petitioner: Mr.V.Manohar

For Respondents: Mr.R.Vijayakumar, AGP [R1 and R2]

ORDER

Heard the learned counsel for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader accepting notice on behalf of the respondents 1 and 2 and with their consent, the writ petition is taken up for final disposal.

2 The petitioner has filed this writ petition challenging the order dated 14.08.2015 passed by the 2nd respondent. It is seen that the impugned order came to be passed by the 2nd

respondent pursuant to the order passed by the 1st respondent dated 01.06.2015 in RP.No.9/2015. By the said order, the 1st respondent allowed the revision petition, set aside the order dated 18.11.2014 and remanded the matter back to the 2nd respondent for fresh consideration. The contention raised by the petitioner in this writ petition is that the 2nd respondent has exceeded the scope of remand and the order passed by the 2nd respondent is contrary to the direction and observation made by the 1st respondent in the order dated 01.06.2015.

3 In my view, the petitioner has an effective alternative remedy by filing a revision petition before the 1st respondent and without exhausting the same, the petitioner should not have approached this Court, by filing the writ petition. Hence, the writ petition is held to be not maintainable.

4 Accordingly, the writ petition is dismissed as not maintainable. No costs. However, liberty is granted to the petitioner to move the 1st respondent by way of revision. Consequently, the connected miscellaneous petitions are also dismissed.

5 Learned counsel for the petitioner submitted that expeditious steps are being taken to allot the land to the private parties and further proceedings have been issued by the 2nd respondent dated 30.10.2015.

6 In the light of the above, while holding that the writ petition is not maintainable, the petitioner is directed to avail the alternative remedy available under the Act by filing a revision petition before the 1st respondent. Along with the revision petition, the petitioner is also entitled to seek for interim relief and if such an Interlocutory Application is filed, the 1st respondent shall deal with the said application within a period of two weeks from the date on which, the application is filed. Till the said Interlocutory Application is decided by the 1st respondent, status quo prevailing in respect of the land, shall be maintained.

7 The Registry is directed to return the original Impugned Order to the learned counsel for the petitioner by tomorrow [17.11.2015].

Sd/-
Assistant Registrar (CS-II)

True Copy

Sub Assistant Registrar

To

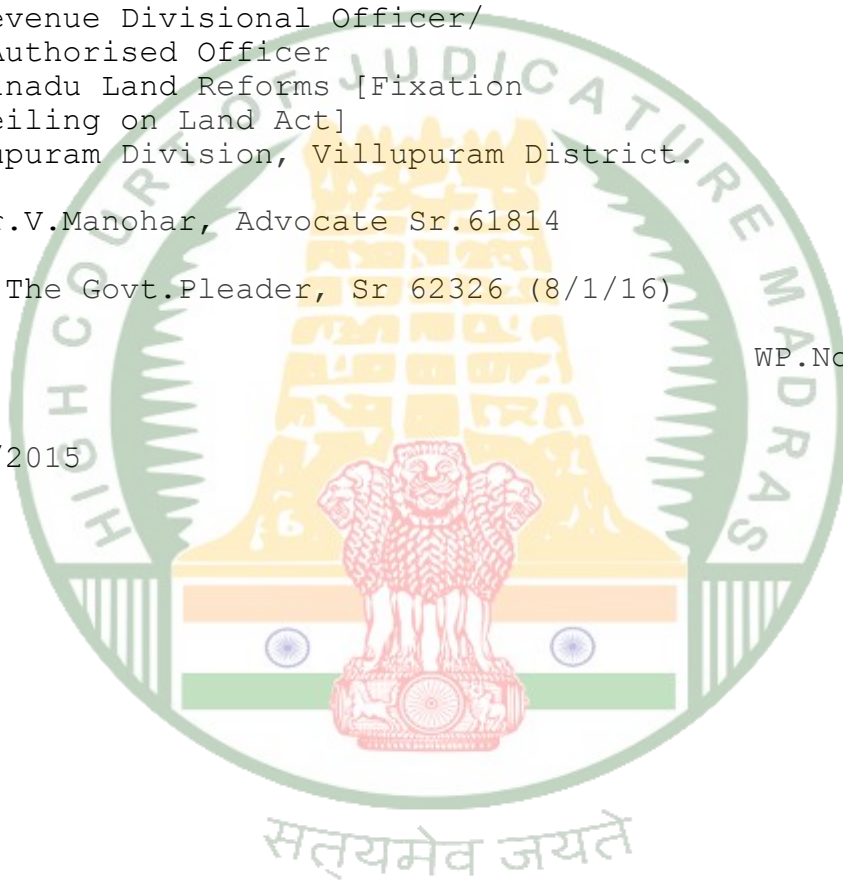
- 1 The Commissioner
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+1cc to Mr.V.Manohar, Advocate Sr.61814

+ 1 cc to The Govt.Pleader, Sr 62326 (8/1/16)

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srg 17/11/2015



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