



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2015

CORAM:

THE HONOURABLE Mr. JUSTICE K. RAVICHANDRABABU

W.P. (MD) No. 21343 of 2015

WEB COPY

Sikanthar

... Petitioner

Vs.

1. The District Revenue Officer,
Ramanathapuram District.

2. The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.

3. The Tahsildar,
Kadaladi Taluk,
Ramanathapuram District.

4. Abubucker

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to take on file of the petitioner's revision petition, dated 30.01.2015 and dispose of the same.

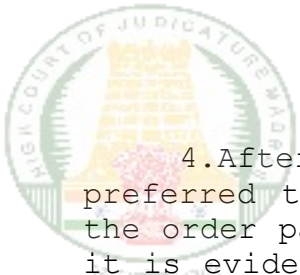
For Petitioner : Mr. M. Kalamurugappan
For Respondents : Mr. M. Murugan, G.A. for R1 to 3

O R D E R

Considering the limited scope of the prayer sought for in this Writ petition, notice to the 4th respondent is dispensed with.

2. The petitioner seeks for a direction to the 1st respondent to consider his revision petition dated 30.01.2015 filed against the order of the Revenue Divisional Officer, Paramakudi in respect of patta proceedings.

3. It is seen that as against the order passed by the Tahsildar, namely, the original authority, the 4th respondent has preferred an appeal before the Revenue Divisional Officer, who in-turn allowed the appeal and held against the petitioner. Challenging the said order passed by the appellate authority, the petitioner herein preferred a Writ petition in W.P. (MD) No. 11335 of 2014, which came to be dismissed on 03.02.2014 by this Court. Further, challenging the said order made in the Writ petition, the petitioner filed a Writ Appeal in W.A. (MD) No. 1068 of 2014. The Division Bench by an order dated 09.12.2014 disposed the Writ Appeal by directing the petitioner herein to go before the revisional authority also by observing that the revisional authority shall entertain the petition and pass appropriate orders on merits and in accordance with law by excluding the time taken by the petitioner in filing the Writ petition as well as Writ Appeal.



4. After the said order passed by the Division Bench, the petitioner preferred the revision on 13.01.2015 before the 1st respondent enclosing the order passed in the Writ Appeal dated 09.12.2014 as well. Therefore, it is evident that the 1st respondent is aware of the order passed by the Division Bench of this Court, even though he was not a party to the proceedings namely, W.A. (MD) No. 1068 of 2014.

5. When that being the position, a communication was issued to the petitioner from the office of the District Collector on 22.01.2015 calling upon the petitioner to explain the delay in filing the revision.

6. First of all, when the revision was filed before the District Revenue Officer, this Court fails to understand as to how a communication is issued from the District Collector calling upon the petitioner to explain the delay. Whatever the case may be, as discussed supra, when the petitioner has filed the revision by enclosing the order passed by this Court in the above Writ Appeal, needless to say that the order itself speaks as an explanation for filing the revision with such delay.

7. Therefore, I am of the considered view that the revision filed by the petitioner has to be considered and decided by the 1st respondent on merits and in accordance with law also by giving due opportunity of hearing to the 4th respondent. It is made clear that this Court is not expressing any view on the claim of the petitioner made in the revision petition as it is for the 1st respondent to consider the same and pass orders on merits and in accordance with law. Such exercise shall be done by the 1st respondent within a period of 12 weeks from the date of receipt of a copy of this order. The Writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (AE)

/True copy/

Sub Assistant Registrar

To

1. The District Revenue Officer,
Ramanathapuram District.

2. The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.

3. The Tahsildar,
Kadaladi Taluk,
Ramanathapuram District.

+1 CC to the Special Government Pleader SR No. 68533

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