



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2015

CORAM:

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Writ Petition (MD) No. 5686 of 2013
and M.P (MD) No. 1 and 2 of 2013

R. Ilankovan

... Petitioner

Vs.

1. The District Collector,
Madurai District, Madurai.
2. The Revenue Divisional Officer,
Madurai.
3. Solaiyammal

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records relating to the impugned notice dated 27.03.2013 made in Na. Ka. No. 8152/12 /No. issued by the second respondent and quash the same.

For Petitioner	: Mr. N. Krishnaveni
For Respondents 1&2	: Mr. S. Chandrasekar, Government Advocate.
For 3 rd Respondent	: Mr. K. P. Narayanakumar

O R D E R

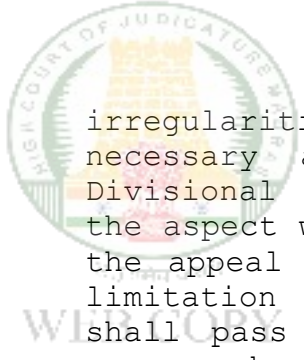
This writ petition has been filed challenging the notice issued by the Revenue Divisional Officer, dated 27.03.2013.

2. The grievance of the petitioner is that the petitioner gave a complaint before the land grabbing cell and it has been subsequently revised and the matter is pending and subsequently, the act itself has been repealed by this Court. It is further submitted that the authority has no legal right to question the same in the proposed proceedings as the patta has already been transferred long back and therefore, the question of limitation will arise without taking into consideration the limitation, the appeal cannot be heard by the Revenue Divisional Officer.

3. Learned counsel for the third respondent would contend that the very transfer with regard to the panjami land is illegal; the delay cannot be a reason as they came to knowledge recently and since some irregularities found in granting patta, they treat this notice as an appeal and only appeal notice has been issued.

4. Heard the learned counsel appearing for the respective parties and perused the materials available on record.

5. Perusal of records shows that the matter has been pending from 2013. It is stated in the counter affidavit that since there are some



irregularities in granting pattas, it is for the Government to take necessary action in respect of the same. Therefore, the Revenue Divisional Officer while taking action in this regard, shall look into the aspect whether the patta was granted properly or not. But insofar as the appeal is concerned, the petitioner is at liberty to raise plea of limitation before the competent authority and the competent authority shall pass appropriate orders after giving notice to all the parties concerned on merits and in accordance with law.

6.The writ petition is accordingly disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst. Registrar(T&P)

//True Copy//

Sub.Asst.Registrar

To

1.The District Collector,
Madurai District, Madurai.

2.The Revenue Divisional Officer,
Madurai.

+1cc to M/s.N.Krishnaveni, Advocate in Sr.7432
+1cc to M/s K.P.Narayanakumar, Advocate in Sr.7171

sms / pm / 21.02.2015 / 2p/5c

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