

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 09.06.2016

Coram:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.13459 of 2016
and
W.M.P.No.11814 of 2016

A.Shanmugam ... Petitioner

vs.

1.The Revisional Authority/District
Revenue Officer,
Coimbatore District,

2.The Appellate Authority/
Special Deputy Collector,
Revenue Court,
Tiruchirapalli.

3.Tenancy Record Officer and Tahsildar,
Coimbatore North
Balasundaram Street,
Coimbatore.

4.S.R.Manickam
5.S.K.Senthilvel
6.Kamalathal
7.Marudhappan @ Prakash
8.Saraswathi
9.Sakunthala
10.Nalini
11.S.K.Anandhamoorthi
12.R.Srinivasan

... Respondent

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the first respondent to number the revision petition filed by the writ petitioner on 23.3.2016 against the order passed by the 2nd respondent herein dated 07.03.2016 in A.P.No.2 of 2016 and consider the same on merits in accordance with law.

For Petitioner : Mr.A.Muthukumar
For Respondents : Mr.R.Govindasamy, Spl.G.P.
for R1 to R3
Mr.N.Anand Venkatesh for R4 to 12

ORDER

By consent, the writ petition itself is taken up for final disposal.

2. The learned counsel appearing for the petitioner would submit that the father of the petitioner, namely, P.Arumuga Konar, was recorded as a cultivating tenant in respect of the land belonging to respondents 4 to 11 and their predecessors in interest and the petitioner's father died on 24.5.2012, bequeathing his rights in favour of the petitioner. The petitioner, after the demise of his father, had applied for inclusion of his name as cultivating tenant before the third respondent and it was originally allowed, but subsequently the same was set aside by this Court on technical grounds and the matter was remanded to the third respondent for fresh adjudication. According to the petitioner, the third respondent, without affording any opportunity, whatsoever, had dismissed the petition filed in Form-5 and aggrieved by the same, the petitioner has filed an appeal before the second respondent and it was allowed and the matter was remanded to the third respondent to consider the matter, after affording an opportunity to the petitioner to implead the pendent lite purchaser. In the interregnum, respondents 4 to 11, who are the original owners of the property, filed a memo before the third respondent to delete the name of the writ petitioner from the adangal extracts. Without any notice, the said memo has been entertained and the name of the petitioner has been deleted from all the statutory records and aggrieved by the same, the petitioner has filed a revision before the first respondent on 23.3.2016, but the same is yet to be taken on file and therefore, it is submitted that the revision petitioner is constrained to file this writ petition for an appropriate direction directing the first respondent to entertain the revision and pass orders in accordance with law.

3. This Court heard the submissions of Mr.R.Govindasamy, the learned Special Government Pleader, who accepts notice on behalf of the official respondents and Mr.N.Anand Venkatesh, who accepts notice on behalf of the private respondents.

4. The learned Special Government Pleader would submit that the claim of the petitioner is wholly untenable and he is

abusing the process of law by not only filing the revision petition but also the writ petition and prays for dismissal of the writ petition with cost.

5. This Court has considered the rival submissions and also perused the materials placed before this Court.

6. This Court, taking into consideration the limited scope of the prayer sought for by the petitioner, without going into the merits of the claim projected either by the petitioner or by the private respondents, directs the first respondent to entertain the revision petition, if the papers are otherwise in order and after putting on notice the petitioner and the private respondents, shall pass orders in accordance with law, within a period of 10 weeks from the date of receipt of a copy of this order.

7. The writ petition is disposed of accordingly. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Revisional Authority/District
Revenue Officer,
Coimbatore District,

2.The Appellate Authority/
Special Deputy Collector,
Revenue Court,
Tiruchirapalli.

3.Tenancy Record Officer and Tahsildar,
Coimbatore North
Balasundaram Street,
Coimbatore.

+1cc to the Government Pleader sr.31554
+1cc to Mr.N.Anand Venkatesh, Advocate sr.31341
1cc to Mr.A.Muthukumar, Advocate Sr.31163

W.P.No.13459 of 2016

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srg 14/06/2016