

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2016

CORAM

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M.VENUGOPAL

W.P. No.141 of 2016

and

W.M.P.No.67 of 2016

M/s.Mike Agro Farms Private
Limited rep. by its
Managing Director R.Kumar .. Petitioner

Vs.

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The Revenue Divisional Officer,
Madurantakam Taluk,
Kancheepuram District.

3.The Tahsildar,
Madurantakam Taluk,
Kancheepuram District.

4.P.Sekar

..Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of certiorari to call for the records made in the order in Na.Ka.2191/2014/C dated 20.11.2015 on the file of the Revenue Divisional Officer, Madurantakam Taluk, Kancheepuram District, the second respondent herein and quash the same so far the petitioner is concerned.

For Petitioner .. Mr.R.Thiagarajan

For Respondents .. Mr.P.S.Sivashanmugha Sundaram,
Spl. Govt. Pleader for R1 to R3

ORDER

(Order of the Court was made by SATISH K.AGNIHOTRI, J.)

Mr.P.S.Sivashanmugha Sundaram, learned Special Government Pleader accepts notice on behalf of respondents 1 to 3. Notice to the fourth respondent is dispensed with, at this stage, as no adverse order is passed against him in this writ petition. Thus, with the consent of the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for respondents 1 to 3, the writ petition is taken up for final disposal.

2.Questioning the legality of the order dated 20 November 2015 passed by the second respondent, whereunder, a direction was issued to the authorities to cancel the patta granted to 15 persons and to change into the account of the Boodhan Board in the village account and also to remove the encroachments made in the lands belonging to Boodhan Board, the petitioner has come up with this writ petition.

3.Learned counsel appearing for the petitioner submits that the provisions of the Tamil Nadu Bhoodhan Yagna Act, 1958 would not be applicable as the petitioner company has purchased the lands from the owners. Thus the Revenue Divisional Officer has wrongly exercised the power to cancel the patta in the name of the petitioner.

4.We are informed that against the order passed by the Revenue Divisional Officer, appeal is maintainable before the District Revenue Officer. In that view of the matter, we are not inclined to interfere at this stage.

5.In view of the above, the writ petition stands disposed of, reserving liberty to the petitioner to prefer an appeal before the District Revenue Officer. The petitioner is also at liberty to raise all the issues on law as well as on facts before the District Revenue Officer. In case, an appeal is

preferred, the District Revenue Officer, shall examine all the facts and advert to the issues/objections raised by the petitioner in accordance with law and on its own merits. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

- 1.The District Collector,
Kancheepuram District,
Kancheepuram.
- 2.The Revenue Divisional Officer,
Madurantakam Taluk,
Kancheepuram District.
- 3.The Tahsildar,
Madurantakam Taluk,
Kancheepuram District.

Copy to

The Section Officer,
ER Section,
High Court,
Madras.

[With direction to return the Original impugned order to the Counsel for the petitioner after retaining photocopy of the same]

+2cc to M/S.R.Thiagarajan, Advocate Sr.No.8036

W.P.No.141 of 2016

ug(CO)
srg(18/02/2016)