



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.11.2016

CORAM :

WEB COPY

THE HONOURABLE MR. JUSTICE V. BHARATHIDASAN

Writ Petition (MD) No.22999 of 2015
and
W.M.P (MD) No.3674 of 2016

S.Kumar

... Petitioner

Vs.

1. The District Collector,
Sivagangai District,
Sivagangai.

2. The District Revenue Officer,
Sivagangai District,
Sivagangai.

3. The Tahsildar,
Tirupathur Taluk,
Tirupathur,
Sivagangai District.

4. Rama.Subbulakshmi

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 2nd respondent in his O. Mu. B4/21845/2014 dated 22.12.2014 and quash the same and direct the 1st and 2nd respondents to keep the land as per the original entry in the "A" Register prior to 22.12.2014.

For Petitioner	:	Mr.N.Tamilmani
For Respondents 1-3	:	Mr.V.Muruganandam, Additional Government Pleader.
For 4 th Respondent	:	Mr.M.Saravanan

ORDER

Challenging the order passed by the District Revenue Officer, Sivagangai District, dated 22.12.2014 directing the Tahsildar to change the entry in the name of Ramanathan, son of Arunachalam in the revenue records, the present writ petition has been filed.



2. Heard Mr.N.Tamilmani, learned counsel appearing for the petitioner and Mr.V.Muruganantham, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.M.Saravanan, learned counsel appearing for the fourth respondent.

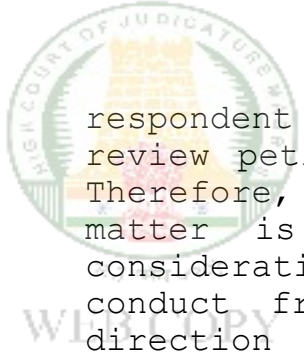
3. It is seen from the records that the land in dispute is assigned in favour of the fourth respondent's husband and subsequently, the said assignment has been cancelled by the Sub Collector on 03.03.1985. Challenging the same, the fourth respondent's husband filed an application stating that during UDR scheme a mistake has been crept in and therefore, he wants patta to be issued in favour of him, the second respondent herein allowed the above application, by an order dated 10.10.2012 and directed the third respondent herein to carry out necessary rectification. Since no order has been passed by the third respondent herein, the fourth respondent has filed a writ petition before this Court in W.P.(MD) No.1292 of 2014 seeking for a direction to the Tahsildar, the third respondent herein to implement the order passed by the first respondent dated 10.10.2012.

4. This Court by an order dated 20.06.2014 disposed of the said writ petition. The relevant portion of the said order is hereunder:-

"6. From the perusal of the order of the first respondent, dated 10.10.2012, it can easily be discerned that the factum of cancellation of the assignment order, issued in favour of the petitioner's husband, was not properly considered by the first respondent, at the time of passing the order, dated 10.10.2012. Hence, the third respondent, who is the custodian of the Government Land, has submitted a letter dated 10.04.2013 to review the order of the first respondent. Now, the same is pending before the first respondent for consideration. Under such circumstances, I am of the opinion, this Court cannot give a direction to the third respondent to implement the order of the first respondent. However, since the review is pending before the first respondent, the first respondent is directed to issue notice to the petitioner and after affording an opportunity of personal hearing to her, pass an appropriate order, on merits, on the review letter, submitted by the third respondent, dated 10.04.2013."

5. Based on the said direction, the present impugned order has been passed by the second respondent. A perusal of the impugned order shows that the second respondent without considering the review petition filed by the Tahsildar, the third respondent herein, mechanically passed the impugned order. Challenging the above said proceedings, the petitioner who is one of the villagers filed this writ petition stating that the land in dispute is a water bed area and the fourth respondent is developing lands as house-site plots.

6. A perusal of the impugned order passed by the second



respondent shows that it has been passed without considering the review petition filed by the Tahsildar as directed by this Court. Therefore, the order of the second respondent is set aside and the matter is remanded back to the second respondent for fresh consideration. Accordingly, the second respondent is directed to conduct fresh enquiry and pass appropriate orders as per the direction given by this Court in W.P.(MD)No.1292 of 2014, dated 20.06.2014 after giving notice to the parties within a period of twelve weeks from the date of receipt of a copy of this order.

7. Accordingly, the writ petition is allowed. No costs. Consequently, M.P(MD)No.1 of 2015 and W.M.P(MD)No.3674 of 2016 are closed.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Sivagangai District,
Sivagangai.
2. The District Revenue Officer,
Sivagangai District,
Sivagangai.
3. The Tahsildar,
Tirupathur Taluk,
Tirupathur,
Sivagangai District.

+ 1 CC TO Mr.N.TAMILMANI, ADVOCATE IN SR No. 65365
+ 1 CC TO Mr.R.SUBRAMANIAN, ADVOCATE IN SR No. 65591
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 66022

SMS

TE/CK : 24/11/2016 : 3P/7C

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