



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:26.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition(MD)No.15079 of 2016

SP.Krishnan

...Petitioner

Vs.

1.The District Collector,
District Collector Office,
Sivagangai District.

2.The District Revenue Officer/Sub-Collector,
O/o.The District Revenue Officer,
Devakottai,
Sivagangai District.

3.The Revenue Divisional Officer,
O/o.Revenue Divisional Officer,
Devakottai,
Sivagangai District.

4.The Thasildar,
Taluk Office,
Karaikudi,
Sivagangai District.

...Respondents

Prayer: Writ Petition is 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 order bearing No.Mu.Mu.A1-6112-2015, dated 18.04.2016 passed by the 2nd respondent and quash the same and further direct the 1st respondent to consider the petitioner's petition, dated 28.09.2015.

For Petitioner : M/s.V.Rajiv Rufus

For Respondents : Mr.J.Gunaseelan Muthaiah
Government Advocate

ORDER

This Writ Petition has been filed challenging the order passed by the second respondent rejecting the revision filed by the petitioner.

2. According to the petitioner, the property in dispute originally owned by one Rakkappan Ambalam and the said Rakkappan Ambalam has no legal heirs, during his lifetime he executed a Will appointing five persons as Trustees and the same was registered before the Sub-Registrar Office, Karaikudi, in the year 1951. The



petitioner's grandfather by name Kumarappan was one of the Trustees. Subsequently, in the year 1956, the said Rakkappan Ambalam died. Thereafter, the Trust Committee maintained the Will properties as per the terms and conditions of the said Will. Now, the petitioner is one of the Trustees of the properties. It is the grievance of the petitioner that in respect of one of the Trust properties in Survey No.147/3 having an extent of 7.50 acres, patta was changed in favour of one Chandra and the said Chandra grabbed the said property with ulterior motive. Hence, the petitioner filed an appeal before the third respondent. The third respondent rejected the said appeal. Against the said order, the petitioner filed a revision before the second respondent. The second respondent vide impugned order, dated 18.04.2016, rejected the claim of the petitioner. Challenging the said order, the petitioner has filed this Writ Petition.

3. Heard the submissions and perused the materials available on record.

4. From the perusal of the order passed by the second respondent, it is seen that against the order of Tahsildar transferring patta in favour of one Chandra, already the petitioner filed an appeal before the Revenue Divisional Officer on 10.10.2011 and the Revenue Divisional Officer also passed an order rejecting his appeal. Against the said order, the petitioner filed a revision before the District Revenue Officer, Sivagangai on 27.04.2012 and the District Revenue Officer also after enquiry dismissed his revision vide order, dated 08.04.2013 confirming the order passed by the Revenue Divisional Officer. Challenging the very same order transferring patta in favour of Chandra, the petitioner once again filed an appeal before the Revenue Divisional Officer on 30.09.2015 and the same was dismissed. Challenging that order, he filed a revision before the second respondent. The second respondent after considering all the above facts, dismissed the revision stating that already the District Revenue Officer, Sivagangai, confirmed the order passed the Revenue Divisional Officer and hence, the petitioner cannot maintain a second round of litigation.

5. Today, it is also admitted by the learned counsel for the petitioner that the petitioner earlier filed an appeal and revision and now, after obtaining instructions under the R.T.I Act, he filed a fresh application.

6. When the right between the parties had already been decided in the earlier round of litigation, the petitioner cannot maintain a second round of litigation. The only remedy available to the petitioner is to challenge the order passed by the District Revenue Officer, Sivagangai, in the earlier round of litigation and he cannot resort to another round of litigation.



7. In the above circumstances, the Writ Petition fails and consequently, Writ Petition is dismissed. No Costs.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar(CS)

To

- 1.The District Collector,
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- 4.The Thasildar,
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Sivagangai District.

+1cc to Mr.V.Rajiv Rufus, Advocate in SR.56534

+1cc to the Special Government Pleader in SR.56085

W.P(MD)No.15079 of 2016
26.09.2016

pm

PBK/GSV-PM 06.10.2016 ::3p-7c: