



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2016

CORAM :

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THE HONOURABLE MR.JUSTICE V.BHARATHIDASANWrit Petition (MD) No.15944 of 2016andW.M.P (MD) No.11684 of 2016

C.Subramanian

... Petitioner

Vs.

1.The District Revenue Officer,
Thoothukudi District, Thoothukudi.

2.The Revenue Divisional Officer,
Kovilpatti, Thoothukudi District.

3.The Tahsildar,
Kovilpatti Taluk,
Kovilpatti, Thoothukudi District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in his proceedings in A.6.4278/2016 dated 30.06.2016 and quash the same and consequently directing the respondents herein to restore the patta bearing Nos.2470 3002 and 3009 in the name of the petitioner in respect of the lands situated in S.Nos. S.No.419/1 419/4 419/5 and 420 of Padnavarmangalam Panchayat Kovilpatti Panchayat Union Kovilpatti Taluk Thoothukudi District.

For Petitioner : Mr.D.Srinivasaragavan

For Respondents : Mr.R.Anandharaj,
Government Advocate.

ORDER

Challenging the order passed by the Revenue Divisional Officer, Kovilpatti, the second respondent herein cancelling the patta granted in favour of the petitioner, the present writ petition has been filed.

2.Heard Mr.D.Srinivasaragavan, learned counsel for the petitioner and Mr.R.Anandaraj, learned Government Advocate, who takes notice for the respondents.

3.Learned counsel for the petitioner submitted that

without giving sufficient opportunity to the petitioner for the production of relevant records, the second respondent hurriedly conducted enquiry and passed an adverse order against him.

4. Admittedly, there is a remedy by way of revision before the District Revenue Officer against the order passed by the Revenue Divisional Officer. Without exhausting such remedy, the petitioner has straight away approached this Court by way of this writ petition.

5. In view of the above, the writ petition is dismissed with liberty to file appropriate revision before the District Revenue Officer, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such revision, the District Revenue Officer, shall pass appropriate orders on merits and in accordance with law, within a period of eight weeks thereafter. Needless to mention that the District Revenue Officer shall provide sufficient opportunity to the petitioner to produce all relevant documents before conducting enquiry and also hearing the rival claimants. No costs. Consequently, W.M.P(MD) No.11684 of 2016 is closed.

Sd/
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The District Revenue Officer,
Thoothukudi District, Thoothukudi.

2. The Revenue Divisional Officer,
Kovilpatti, Thoothukudi District.

3. The Tahsildar,
Kovilpatti Taluk,
Kovilpatti, Thoothukudi District.

+1 cc to MR.D.SRINIVASARANGAVAN, Advocate Sr.No.50772

+1 cc to Special Government Pleader SR.No.50933

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and

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SMA/PV/26/09/2016 :2P/6C