



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.11.2016

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.17825 of 2016

and

W.M.P (MD) Nos.12851 and 12852 of 2016

R.Ramadoss

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai Collectorate,
Madurai 625 020.

2.The District Revenue Officer,
Madurai District,
Madurai Collectorate,
Madurai 625 020.

3.The Tahsildar,
Melur, Melur Taluk,
Madurai District.

4.M.Karuppanan

5.M.Periya Adaikkan

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari to call for the records relating to the impugned order of the 3rd respondent in Na.Ka.No.6141/2016/A3 RTR No.2159/2016 dated 26.08.2016 and quash the same.

For Petitioner : Mr.N.Murugesaan

For Respondents 1-3 : Mr.V.Muruganandam,
Additional Government Pleader.

For Respondents 4 &5 : Mr.M.Jegadeeshpandiyan

ORDER

Challenging the order passed by third respondent dated 26.08.2016, the present writ petition has been filed.

2.Heard Mr.N.Murugesan, learned counsel appearing for the petitioner and Mr.V.Muruganandam, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.M.Jegadeeshpandiyan, learned counsel appearing for the respondents 4 and 5.



3. According to the petitioner, originally, the patta stands in the name of the petitioner and four others and subsequently, on the application filed by the respondents 4 and 5, the Revenue Divisional Officer, cancelled the said patta. Aggrieved by the same, the petitioner has filed a revision before the District Revenue Officer on 22.06.2016 which is still pending. In the meantime, the Tahsildar, the third respondent herein issued the impugned order directing the Village Administrative Officer and the Computer Operator to implement the order passed by the Revenue Divisional Officer on 03.03.2016.

4. Learned counsel appearing for the petitioner submitted that when the revision is pending against the order passed by the Revenue Divisional Officer before the District Revenue Officer, the second respondent herein, the impugned order passed by the third respondent is not sustainable in law.

5. Learned counsel appearing for the respondents 4 and 5 submitted that the Revenue Divisional Officer has directed the Tahsildar to implement his order to restore the patta to its original position, based on that the Tahsildar has passed the impugned order and therefore, there is no infirmity or irregularity in the order passed by the third respondent.

6. I have considered the submissions made by the learned counsel appearing for the parties and perused the materials available on record.

7. Admittedly, against the order passed by the Revenue Divisional Officer, a revision has been filed by the petitioner before the District Revenue Officer and the same is pending and till the disposal of the said revision, the Tahsildar cannot carry out any mutation and he has to await the decision of the District Revenue Officer in the revision, otherwise it will lead to multiplicity of proceedings.

8. In the above circumstances, the impugned order passed by the Tahsildar is set aside. The second respondent is directed to dispose of the revision filed by the petitioner within a period of six weeks from the date of receipt of a copy of this order after giving notice to the petitioner as well as to the respondents 4 and 5.

9. The writ petition is accordingly allowed. No costs. Consequently, W.M.P (MD) Nos. 12851 and 12852 of 2016 are closed.

Sd/-

Assistant Registrar (AE)

/True copy/



To

1.The District Collector,
Madurai District, Madurai Collectorate, Madurai 625 020.

2.The District Revenue Officer,
Madurai District, Madurai Collectorate, Madurai 625 020.

3.The Tahsildar,
Melur, Melur Taluk, Madurai District.

+1 CC to Mr.JEGADEESH PANDIYAN, Advocate, SR No.68371

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.67929

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sms

SH/DB:24.11.2016:3P/6C