



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

W.P.(MD)No.4748 of 2013

and

M.P.(MD)Nos.1 and 2 of 2013

V.Chellamanayakkar

: Petitioner

Vs.

1.The Revenue District Officer,
Palani, Dindigul District.

2.The Tahsildar,
Palani, Dindigul District.

3.Pappammaal

: Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Certiorarified Mandamus, to call for the proceedings in O.Mu.17044/12/A1, dated 02.01.2013 passed by the second respondent and quash the same and thereby, directing the first respondent to pass suitable orders in Appeal No.4 of 2008 on merits within a time frame.

For Petitioner : Mr.G.Illampooranan
For Respondents 1&2 : Mr.Aayiram K.Selvakumar,
Government Advocate
For Respondent No.3 : Mr.T.Lenin Kumar

ORDER

The order passed by the Tahsildar, Palani, dated 02 January,2013, directing the parties to approach the Civil Court, is under challenge in this Writ Petition primarily on the ground that when the matter regarding issuance of patta is pending before the Revenue Divisional Officer, the second respondent has no jurisdiction to direct the parties to approach the civil Court.

2. Heard the learned counsel for the petitioner, the learned Government Advocate appearing on behalf of the first and second respondents and the learned counsel for the third respondent.



3. The second respondent initially passed an order directing the grant of joint patta in favour of the petitioner and the third respondent. The said order was challenged by the petitioner before the Revenue Divisional Officer, Palani. The petitioner also filed an appeal against another order with regard to the patta which was transferred to the name of the third respondent. During the currency of the statutory appeals before the Revenue Divisional Officer, the second respondent passed a strange order on 02 January, 2013, directing the parties to approach the civil Court.

4. When the Revenue Divisional Officer is seized of the matter, there is no question of his subordinate, against whose order, appeal was pending before the very same Revenue Divisional Officer, to direct the parties to approach the Civil Court. The order passed by the second respondent dated 02 January, 2013, is, therefore, unsustainable in law. The order is, therefore, liable to be set aside.

5. In the result, the order dated 02 January, 2013, on the file of the second respondent, is set aside. The Revenue Divisional Officer, Palani, is directed to dispose of the appeals filed by the petitioner, as expeditiously as possible.

6. The Writ Petition is allowed as indicated above. No costs. Consequently, the connected miscellaneous petitions are closed.

sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

SML

To

1.The Revenue District Officer,
Palani, Dindigul District.

2.The Tahsildar,
Palani, Dindigul District.

+1CC to Mr.M.S.Sureshkumar, Advocate Sr.No.46459
+1CC to Spl.Government Pleader Sr.No.46516

GJM/PV/21.9.16-2p-5c

Order made in
W.P. (MD) No.4748 of 2013
Dated: 22.08.2016