

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2017

C O R A M

THE HON'BLE Mr.JUSTICE K. RAVICHANDRABAABU

W.P.No.8607 of 2017

A.Kaliyaperumal

... Petitioner

Vs

1.The District Collector,
Villupuram,
Villupuram District.

2.The District Revenue Officer,
Villupuram,
Villupuram District.

3.The Revenue Divisional Officer,
Kallakurichi Posts & Taluk,
Villupuram District.

4.The Tahsildar,
Kallakurichi Post & Taluk,
Villupuram District.

... Respondents

Prayer: Petitions filed under Article 226 of the Constitution of India praying for the issuance of a Writ of certiorarified mandamus to call for the records pertaining to the impugned order in Na.Ka.A9/4691/2016 dated 28.07.2016 on the file of the fourth respondent and quash the same and consequently direct the fourth respondent to issue the patta to the petitioner situated in comprised Old S.No.25/11 now New.S.No.359/2 having an extent of 36 1/2 cents out of 1.05 acres in Emapper Village, Kallakurichi Taluk, Villupuram District and based on the representation dated 05.04.2016 and pass order on the same within a reasonable time to be fixed.

For petitioner ... Mr.Neelakandan

For respondents ... Mr.P.Senthilvel
Government Advocate

ORDER

The petitioner is aggrieved against the order passed by the fourth respondent dated 28.07.2016, wherein and whereby, the petitioner's request for change of patta in respect of the subject matter property was rejected.

2. Heard both sides.

3. The grievance of the petitioner is that when the petitioner approached this court earlier and filed W.P.No.19150 of 2016, seeking for a mandamus for grant of patta and that this Court, by an order dated 08.06.2016, directed the Tahsildar to conduct an enquiry and send a report to the District Revenue Officer, Villupuram, who in turn, should pass an order in accordance with law, the Tahsildar himself has passed the present impugned order without sending a report to the District Revenue Officer, Villupuram, as directed by this Court. Therefore, it is contended that the impugned order is in strict sense, violating the order passed by this court in W.P.No.19150 of 2016.

3. When this matter was taken up for hearing earlier on 28.11.2017, the above submission made by the petitioner was taken note of by this Court and consequently, the learned Government Pleader was directed to verify the present state of affairs. Accordingly, the matter is listed today for further hearing. The learned Government Pleader informed this Court that the Tahsildar, by communication dated 06.12.2017, sent a report to the District Revenue Officer, Villupuram and therefore, the said Official viz., DRO, Villupuram, will pass the final order, as directed by this Court made in the earlier order in W.P.No.19150 of 2016. The learned Government Pleader also produced the communication issued by the Tahsildar to the petitioner indicating the above stand.

4. Considering the above stated facts and circumstances, this Court is of the view that the petitioner cannot have any further grievance, as it is for the second respondent to pass final order based on the report submitted by the Tahsildar. Needless to say that the impugned proceedings dated 28.07.2016, cannot be construed as an order passed by the fourth respondent and on the other hand, based on the report submitted by the fourth respondent, the second respondent alone has to pass the final order. The second respondent shall pass final

orders within a period of eight weeks, after giving due opportunity of hearing to the petitioner and other contesting parties. The petitioner is entitled to raise all the issues before the DRO, Villupuram, even with regard to the report submitted by the Tahsildar. With the above observation, the writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
Villupuram,
Villupuram District.
- 2.The District Revenue Officer,
Villupuram,
Villupuram District.
- 3.The Revenue Divisional Officer,
Kallakurichi Posts & Taluk,
Villupuram District.
- 4.The Tahsildar,
Kallakurichi Post & Taluk,
Villupuram District.

+ 1 cc to Mr. P. Rajavel, Advocate SR.87572
+ 1 cc to Government Pleader Sr.88144

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EU(19/12/2017)

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