

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2017

CORAM

THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.No.29604 of 2017

Periya Swamy

... Petitioner

versus

1. The District Collector
Villupuram District.
 2. The District Revenue Officer
Sankarapuram,
Villupuram District.
 3. The Revenue Divisional Officer
Kachirapalayam Main Road
Kallakurichi - 606 202.
 4. The Tahsildar
Sankarapuram Taluk
Villupuram District.
 5. Mathimugan
 6. Sivaraj
 7. Kalaiselvan @ Mohammed Salim
 8. Anbu Saral @ Mohammed
- ... Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue Writ of Mandamus, to call for the proceedings dated 04.09.2017 bearing Ref.No.Na.Ka.Aa5/5077/2017 on the file of 4th respondent and quash the same and consequently, direct the respondents 2 and 3 to consider my representation dated 04.04.2017 within a time frame.

For Petitioner : Mr.V.R.Kamalanathan

For Respondents : Mr.R.Govindasamy

Special Government Pleader for
R1 to R4

O R D E R

Mr.R.Govindasamy, learned Special Government Pleader takes notice for the respondents 1 to 4. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner is aggrieved against the order of the fourth respondent Tahsildar, Sankarapuram Taluk, dated 04.09.2017, rejecting the petitioner's request to include his name in Patta No.120, based on certain findings and reasons stated in the impugned order.

3. Heard Mr.V.R.Kamalanathan, learned counsel appearing for the petitioner and Mr.R.Govindasamy, learned Special Government Pleader appearing for the respondents 1 to 4.

4. It is seen that the petitioner's request for inclusion of his name in Patta has been rejected by the Tahsildar, Sankarapuram Talu, through the impugned order. There is no dispute that as against the said order, the petitioner has got right of appeal before the Revenue Divisional Officer, Kallakurichi viz., the third respondent herein, as such Appellate Authority is also a fact finding authority, who can go into the matter and decide the correctness or otherwise of the order passed by the Tahsildar, Sankarapuram Taluk. Therefore, this Court, at this stage, is not expressing any view on the claim made by the petitioner, as it is for the petitioner to agitate the matter by way of such appeal before the third respondent.

5. The learned counsel for the petitioner submitted that the very same third respondent has earlier passed an order in the year 2010 in favour of the petitioner and therefore, the Tahsildar, Sankarapuram Taluk has not considered the same, while passing the present impugned order. This Court, at this stage, is not inclined to express any view on the above said contention, as it is open to the petitioner to raise all the contentions before the Appellate Authority viz., the third

respondent, while filing such appeal. Therefore, this writ petition is disposed of, only with a liberty to the petitioner to approach the third respondent and file the appeal, within a period of two weeks from the date of receipt of a copy of this order. If any such appeal is filed, the third respondent shall consider the same and pass appropriate orders, after hearing all the parties

concerned including the respondents 5 to 8 herein. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mk

To

1.The District Collector
Villupuram District.

2.The District Revenue Officer
Sankarapuram,
Villupuram District.

3.The Revenue Divisional Officer
Kachirapalayam Main Road
Kallakurichi - 606 202.

4.The Tahsildar
Sankarapuram Taluk
Villupuram District.

+1cc to Mr.V.R.Kamalanathan, Advocate, S.R.No.

+1cc to the Government Pleader, S.R.No.

RRK(29/11/2017)

सत्यमेव जयते

W.P.No.29604 of 2017

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