

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.02.2017

CORAM:

THE HON'BLE MR. JUSTICE M.SUNDAR

W.P.No.43409 of 2016

& WMP.No.37268 of 2016

B.Vinothkumar

rep. By his Power of Attorney B.Selvaraj

.. Petitioner

-Vs-

1.The Revenue Divisional Officer-
cum-Divisional Executive Magistrate,
Kancheepuram District.

2.The Tahsildar,
Alandur Taluk,
Formerly Sriperambathur Taluk,
Kancheepuram District.

... Respondents

The writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the order passed by the 1st respondent in Na.Ka.No.3500/2013/A2, dated 11.03.2014 and quash the same and further direct the second respondent to issue patta in the name of the petitioner.

For Petitioner : Mr.R.K.Ramaiah

For Respondents 1 & 2 : Mr.S.Gunasekaran, AGP

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ORDER

1. Heard Mr.R.K.Ramaiah, learned counsel for the petitioner and Mr.S.Gunasekaran, learned Additional Government Pleader appearing for the respondents.

2. By consent, the main writ petition itself is taken up. An order dated 11.03.2014 made by the Revenue Divisional Officer [RDO, Kancheepuram] is called in question in the main writ petition. In and by the impugned order, the said RDO has varied the patta on the basis that the principal who executed the power of attorney had died and transfers have been made after such demise.

3. As is evident from the impugned order, an appeal to the District Revenue Officer [DRO] is available against the impugned order.

4. Learned counsel for the writ petitioner now states that he would pursue the appeal remedy, if the Appellate Authority is directed to entertain his appeal and would also plead that his rights shall be protected by way of an interim order pending appeal.

5. Mr.S.Gunasekaran, learned Additional Government Pleader heard on behalf of the respondents.

6. The following order is passed.

(i) The writ petitioner shall file an appeal to the District Revenue Officer [Divisional DRO] assailing the impugned order dated 11.03.2014, bearing Ref.Na.Ka.No.3500/2013/A2 passed by the Revenue Divisional Officer, Kancheepuram.

(ii) The DRO [Appellate Authority] shall entertain the appeal if it is filed within 30 days from the date of receipt of a copy of this order.

7. That the writ petitioner was not a party to the proceedings before the RDO, shall not preclude the DRO from hearing the appeal. The appellate authority, DRO is directed to hear the appeal on merits and in accordance with law. From today, and upto the date of disposal of the appeal by the DRO, there shall be an interim order in favour of the writ petitioner wherein and whereby the impugned order of the RDO dated 11.03.2014 bearing Ref.Na.Ka.No.3500/2013/A2 shall be kept in abeyance.

8. In the event of any order adverse to the writ petitioner in the appeal, the interim order shall continue to operate for a further period of 60 days, from the date of the adverse order.

9. The writ petition is disposed of on the above terms.
No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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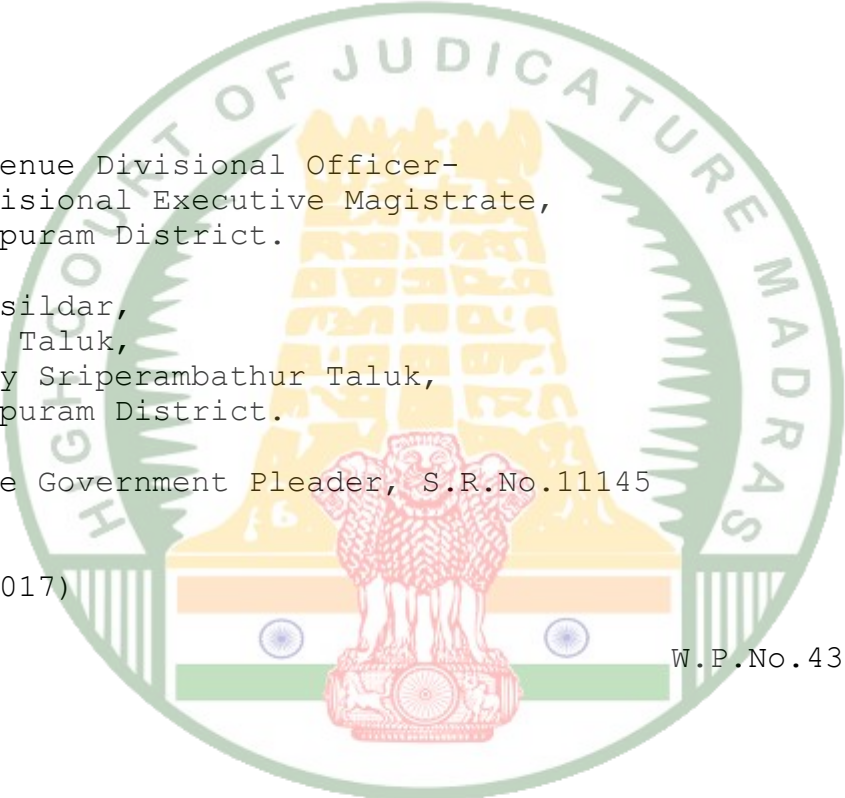
To

1. The Revenue Divisional Officer-
cum-Divisional Executive Magistrate,
Kancheepuram District.
2. The Tahsildar,
Alandur Taluk,
Formerly Sriperambathur Taluk,
Kancheepuram District.

+1cc to the Government Pleader, S.R.No.11145

VSN(CO)
RS(06/03/2017)

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