



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2017

CORAM:

**THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE**

W.A. (MD) No.1293 of 2015
and
M.P (MD) No.1 of 2015

Gurupanchapakesavan

: Appellant

Vs.

1. The District Revenue Officer,
Virudhunagar District,
O/o. District Collectorate Complex,
Virudhunagar.

2. V.Perumalsamy

: Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent, praying to set aside the order dated 28.02.2013 passed in W.P(MD)No.2097 of 2013.

Prayer in WP(MD). 2097/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF MANDAMUS, directing the 1st Respondent herein to dispose the Revision Petition No.B2-3211 of 2011 filed by the 2nd Respondent dated 07-02-2011 against the order of the Revenue Divisional Officer, Sivakasi, passed in his proceedings Na.Ka.No.A1/6071/10 dated 27-01-2011 at an early date fixed by this Honourable Court.

For Appellant

: Mr.Paulmurugan,

For Mr.N.Mohideen Basha

For Respondent No.1

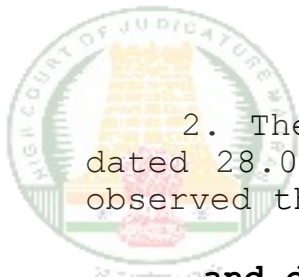
: Mr.K.Guru,

Additional Government Pleader

JUDGMENT

[Judgment of the Court was delivered by M.VENUGOPAL, J.]

The Appellant/second Respondent has preferred the instant Writ Appeal as against the Order dated 28.02.2013 in W.P.(MD)No.2097 of 2013 passed by the learned Single Judge.



2. The learned Single Judge, while passing the impugned Order dated 28.02.2013 in W.P.(MD)No.2097 of 2013 at Paragraph No.5, had observed the following:

"5. The first respondent is directed to consider and dispose of the revision petition filed by the second respondent challenging the order dated 07.02.2011 as expeditiously as possible and in any case, on or before 31.05.2013. It is needless to mention that reasonable opportunity should be given to the petitioner and the second respondent before passing orders in the revision petition."

and disposed of the Writ Petition.

3. The main grievance of the Appellant/second Respondent is that the learned Single Judge, while disposing of the Writ Petition in W.P.(MD)No.2097 of 2013 on 28.02.2013, had not given opportunity to him to defend the case and this has resulted in great prejudice and serious miscarriage of justice.

4. Advancing his arguments, the Learned counsel for the Appellant/second Respondent brings to the notice of this Court that the learned Single Judge, at the time of passing the impugned Order in the Writ Petition, had failed to appreciate that the Suit in O.S.No.29 of 2011 filed by one Vellaithai on the file of Learned District Munsif, Sattur, is the deciding factor in respect of the decision arrived at by the Revenue Divisional Officer in his Proceedings dated 27.01.2011.

5. Yet another plea taken on behalf of the Appellant/second Respondent is that the learned Single Judge had failed to consider that the Appellant/second Respondent preferred an Appeal against the Order of Revenue Divisional Officer dated 21.01.2011 before the District Revenue Officer, Virudhunagar and the same cannot be decided by the District Revenue Officer without knowing the fate of the Suit pending in O.S.No.29 of 2011.

6. Lastly, it is contended on behalf of the Appellant/second Respondent that Vellaithai has no right to execute the sale deed in respect of 10 Cents in S.F.No.846/1A2B on the ground that she is not a Legal Heir and, therefore, the decision in the Suit in O.S.No.29 of 2011 will have an impact on the decision to be arrived at by the District Revenue Officer.

7. Per contra, it is the submission of the Learned Additional Government Pleader appearing for the first Respondent that the Order of the learned Single Judge in directing the first Respondent to consider and dispose of the Revision Petition filed by the Appellant/second Respondent challenging the Order dated 07.02.2011, as expeditiously as possible and in any case, on or before 31.05.2013, is perfectly valid in the eye of law and in short, requires no interference in the hands of this Court sitting in



appellate jurisdiction.

8. On a careful consideration of the respective contentions advanced on behalf of the Appellant/second Respondent and the first Respondent, this Court is of the considered view that the learned Single Judge is correct in issuing necessary directions to the first Respondent to consider and dispose of the Revision Petition filed by the Appellant/second Respondent challenging the Order dated 07.02.2011 and in short, the said Order is free from any material irregularity or patent illegality in the eye of law. Viewed in that perspective, the Writ Appeal sans merit.

9. In fine, the Writ Appeal is dismissed leaving the parties to bear their own costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

The District Revenue Officer,
Virudhunagar District,
O/o. District Collectorate Complex,
Virudhunagar.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 81657

SML

TE/KP/SAR-IV : 13/10/2017 : 3P/3C

Judgment made in
W.A. (MD) No.1293 of 2015 and
M.P (MD) No.1 of 2015
Dated: 04.10.2017