



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2017

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM**W.P. (MD) No.20067 of 2015****and****M.P (MD) No.1 of 2015**

K.Kannan

: Petitioner

-vs-

1.The Revenue Divisional Officer,
Dindigul.2.The Thasildar,
Nilakkottai Taluk,
Dindigul District.

3.Chinnakkaruppu

4.S.Karthikeyan

5.S.Dhanush

6.S.Ravindran

7.S.Saravanan

8.Santhanakrishnan

9.Sentilarasu

10.S.Shanmuganathan

11.S.Omprakash

: Respondents

Prayer: Petitions filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned Patta issued by the 2nd respondent, dated 02.11.2015 in the name of the respondents 4 to 11 and the order passed by the 1st respondent, in his proceedings in Na.Ka.No.8960/2012/A4, dated 07.09.2015 to quash the same and consequently directing the respondents 1 and 2 to keep the patta as existing earlier in the name of the petitioner in Survey No.242/6A, situated at Kullalakkundu Village, Nilakkottai Taluk, Dindigul District.

For Petitioner

: Mr.R.Sevugaraja

For R1 and R2

: Mr.C.Selvaraj
Special Government Pleader

For R4 to R11

: Mr.M.Siddharthan

O R D E R

This writ petition is filed to call for the records relating to the impugned patta issued by the 2nd respondent, dated 02.11.2015 in the name of the respondents 4 to 11 and the order passed by the 1st respondent, in his proceedings in Na.Ka.No.8960/2012/A4, dated 07.09.2015, quash the same and consequently to direct the respondents 1 and 2 to keep the patta as existing earlier in the name of the petitioner in Survey No.242/6A, situated at Kullalakkundu Village, Nilakkottai Taluk, Dindigul District.

2.Heard Mr.R.Sevugaraja, learned counsel for the petitioner and Mr.C.Selvaraj, learned Special Government Pleader for the respondents 1 and 2 and Mr.M.Siddharthan, learned counsel for the respondents 4 to 11 and perused the materials available on record.

3.It is represented by the learned counsel for the respondents 4 to 11 that the 3rd respondent, who is the vendor of the petitioner was a party to the proceedings before the Revenue Divisional Officer and he has filed a revision before the District Revenue Officer, Dindigul. It is further submitted that since, there was a delay in filing the revision, it was returned for proper re-presentation.

4.It is seen from the records that the order impugned, in this writ petition, has been passed on 07.09.2015 and the writ petition came to be filed on 29.10.2015. It is settled law that the order of the 2nd respondent cannot be challenged before two different forums.

5.In view of the above facts, this petition is disposed of giving liberty to the petitioner to file a revision before the District Revenue Officer, Dindigul within a period of four weeks from the date of receipt of the order copy, if the revision filed by the 3rd respondent is not yet numbered. The petitioner can be impleaded as one of the respondents in the revision filed by the 3rd respondent, if it is already numbered. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar

To,

<https://hcservices.ecourt.gov.in/hcservices/>
1. The Revenue Divisional Officer,
Dindigul.



2.The Thasildar,
Nilakkottai Taluk,
Dindigul District.

Copy to:

The Section Officer,
ER Section,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to Mr.M.Siddharthan , Advocate in SR.No. 65032
+1 cc to Special Government Pleader in SR.No.65101

er

AE/KP/SAR3/25.07.2017/3P/6C

W.P. (MD) No.20067 of 2015
12.07.2017