



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.06.2017
CORAM:

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

WEB COPY

W.P. (MD) No. 10442 of 2017

S. Sarojini

... Petitioner

Vs.

1. The State Represented by
The District Collector,
Madurai.

2. The District Revenue Officer (DRO),
Madurai.

3. The Revenue Divisional Officer (RDO),
Usilampatti,
Madurai District-625 532.

4. The Tahsildar,
Usilampatti,
Madurai District-625 532

5. J. Venkatraman,
6. J. Chinna Venkatraman,
7. Theda

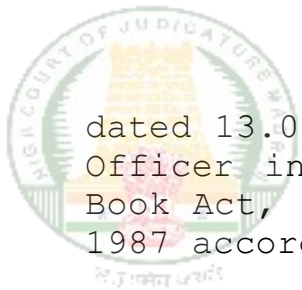
... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 2nd respondent/District Revenue Officer to dispose of the Revision Application presented by the petitioner in S.R.No.19037 dated 13.04.2017 on the file of the 2nd respondent/District Revenue Officer in the light of Section 13 of the Tamil Nadu Patta Pass Book Act, 1983 r/w Rule 15 of the Tamil Nadu Patta Pass Book Rule, 1987 according to law.

For Petitioner	: Mr. A. B. Natarajan
For R1 to R4	: Mr. D. Muruganandham Additional Government Pleader
For R5 to R7	: No Appearance

O R D E R

<https://hcservices.ecourts.gov.in/hcservices/> Petition has been filed seeking for a direction to the 2nd respondent/District Revenue Officer to dispose of the Revision Application presented by the petitioner in S.R.No.19037



dated 13.04.2017 on the file of the 2nd respondent/District Revenue Officer in the light of Section 13 of the Tamil Nadu Pata Pass Book Act, 1983 r/w Rule 15 of the Tamil Nadu Patta Pass Book Rule, 1987 according to law.

2. Aggrieved over the order passed by the fourth respondent with regard to change of patta made in favour of the respondents 5 to 7, the petitioner has preferred the revision in SR.No.19037 before the second respondent. However, the second respondent has returned the revision on 08.05.2017 directing the petitioner to approach the third respondent. Hence this present Writ Petition is filed by the petitioner.

3. Heard Mr.A.B.Natarajan, learned counsel appearing for the petitioner and Mr.D.Muruganandham, learned Additional Government Pleader appearing for the respondent 1 to 4.

4. The learned Counsel appearing for the petitioner would submit that the second respondent is having power to dispose of the revision of the petitioner under Section 13 r/w Rule 15 of the Tamil Nadu Patta Pass Book Act, 1983. Hence, a suitable direction has to be issued to the second respondent.

5. The learned Additional Government Pleader appearing for the respondents 1 to 4 would submit that when the petitioner is having appeal remedy before the third respondent, he cannot directly approach the second respondent invoking this revisional jurisdiction and it can be exercised only in rare cases.

6. Considering the submissions made by the learned counsels and the prayer sought for in the Writ Petition, this Court is of the view that the petitioner can very well file an appeal before the third respondent. Therefore, the petitioner is directed to file an appeal before the third respondent, as per the order of the second respondent dated 08.05.2017 within a period of two weeks from the date of receipt of a copy of this order. On such filing of the appeal, the third respondent is directed to consider the same and pass orders on merits and in accordance with law, after providing necessary opportunities to the petitioner as well as interested parties, if any, within a period of twelve weeks thereafter.

7. With the above directions, this Writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(RTI)

/True Copy/



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3.The Revenue Divisional Officer (RDO),
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Madurai District-625 532.

4.The Tahsildar,
Usilampatti,
Madurai District-625 532.

+One cc to Mr.A.B.Natarajan, Advocate, SR.No.62104

+One cc to The Special Government Pleader, SR.No.62510

dss/msa
RL/7C/3P/SKN/RSK/SAR1/24/7/2017

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