



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2017

CORAM

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P. (MD) No.11537 of 2017

and

WMP (MD) No.8875 of 2017

Murugesan

: Petitioner

-vs-

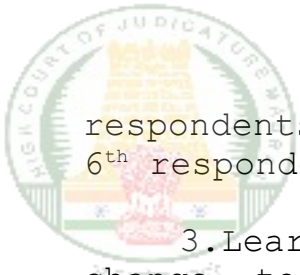
1. The District Collector,
Virudhunagar District, Virudhunagar.
- 2.The District Revenue Officer,
Virudhunagar District, Virudhunagar.
3. The Revenue Divisional Officer,
Aruppukottai, Virudhunagar District.
4. The Tahsildar,
Virudhunagar Taluk,
Virudhunagar District.
5. The Village Administrative Officer,
Pavali Village, Virudhunagar Taluk & District.
- 6.M.Jayaprakash : Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records of the 3rd respondent, in his proceedings in Na.Ka.A4/092/2017, dated 15.05.2017 and quash the same as illegal, arbitrary, without jurisdiction, violation of principles of law.

For Petitioner	: Mr.G.Marimuthu
For R1 to R5	: Mr.A.Muthukaruppan Additional Government Pleader
For 6 th respondent	: Mr.D.Sakkaravarthi

O R D E R

The writ petition has been filed to call for the records of the 3rd respondent, in his proceedings in Na.Ka.A4/092/2017, dated 15.05.2017 and quash the same.



respondents 1 to 5 and Mr.D.Sakkaravarthi, learned counsel for the 6th respondent and perused the materials available on record.

3.Learned counsel for the petitioner would submit that if any change to be made in the patta proceedings, the competent authority is the Tasildhar, but in this case, notice was issued by the Revenue Divisional Officer, Aruppukottai. Since the Revenue Divisional Officer is an appellate authority, he has no jurisdiction to initiate proceedings against the petitioner.

4.Per contra, learned counsel for the respondents would submit that in respect of the land in survey Nos.133/12B and 134/1C of Pavali Village, Virudhunagar Taluk, patta was issued in favour of one Perumal Naicker, s/o.Kandasamy Naicker and after the demise of Perumal Naicker on 17.10.1998, the name of the petitioner was wrongly included in the patta. Aggrieved over the same, the 6th respondent has filed an appeal before the Revenue Divisional Officer, Aruppukottai. According to the learned counsel, the 3rd respondent Revenue Divisional Officer is the competent authority to enquire into this matter and there is no error in the notice issued by the 3rd respondent.

5.In reply, the learned counsel for the petitioner would submit that the petitioner is ready to face the enquiry, but it could be conducted by some other Revenue Divisional Officer, to avoid unnecessary embarrassment.

6.In view of the submissions made on either side, this writ petition is disposed of with a direction to the 3rd respondent/Revenue Divisional Officer, Aruppukottai, Virudhunagar District, to send all the files pertaining to this case to the Revenue Divisional Officer, Sivakasi, within a period of two weeks from the date of receipt of the order copy. On receipt of the records, the Revenue Divisional Officer, Sivakasi is directed to conduct enquiry in this case, after providing opportunity of hearing to the petitioner as well as to the necessary parties, if any and pass suitable orders, on merits and in accordance with law, within a period of twelve weeks therefrom. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Virudhunagar District, Virudhunagar.

<https://hcservices.ecourts.gov.in/hcservices/>

2. The District Revenue Officer,
Virudhunagar District, Virudhunagar.



3. The Revenue Divisional Officer,
Aruppukottai, Virudhunagar District.

4. The Tahsildar,
Virudhunagar Taluk,
Virudhunagar District.

5. The Revenue Divisional Officer,
Sivakasi.

+1 CC to M/s.D.SAKKARAVARTHI, Advocate, SR No. 68165.

+1 CC to M/s.G.MARIMUTHU, Advocate, SR No. 68085.

ER

PSM/MR-KKR/SAR2/18.08.2017/3P/8C

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26.07.2017