



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

W.P (MD) No.2027 of 2017 and
WMP (MD) No.1676 of 2017

R.Agatha Christy

... Petitioner

Vs.

1. The District Revenue Officer,
Kanyakumari District,
Nagercoil.
2. The Revenue Divisional Officer,
Padbanabapuram,
Kanyakumari District.
3. The Tahsildar,
Kalkulam Taluk,
Thucklay,
Kanyakumari District.

4.G.Yesudhasan

5.Sunderrajan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari, calling for the records passed by the 2nd respondent dated 15.09.2016 and which has been confirmed by the 1st respondent dated 19.06.2016 and quash the same as illegal.

For Petitioner : Mr.G.Cenil

For Respondents 1 to 3 : Mr.M.Alagathevan
Special Government Pleader

For Respondent 4 : Died

Respondent -5 : Mr.Sunderrajan - Party in person

**ORDER**

This writ petition has been filed, seeking to quash order passed by the 2nd respondent dated 15.09.2016 and which has been confirmed by the 1st respondent dated 19.06.2016.

2. Heard both sides.

3. By consent, the writ petition is taken up for final disposal at the stage of admission itself.

4. The learned counsel for the petitioner would submit that the property in Survey No.77/22 situated at Attor Village, Kalkulam Taluk, Kanyakumari District, belongs to the petitioner. Alleging that the fourth respondent had fraudulently obtained joint patta and executed a gift deed, in respect of his land, submitted a representation and aggrieved over the reply, the petitioner filed appeal. The appeal was rejected on the ground of limitation. Hence, the petitioner is before this Court.

5. The learned Special Government Pleader appearing for the respondents 1 to 3, submitted that the appeal filed by the petitioner was already rejected and if the petitioner approaches afresh, the same would be considered on merits.

6. Considering the limited scope of the relief sought in this writ petition, this Court, without going into the merits of the case, directs the petitioner to file a fresh appeal before the first respondent, along with all the necessary documents within a period of two weeks from the date of receipt of a copy of this order and upon such filing of an appeal, the first respondent is directed to consider the same and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner as well as all the interested parties, if any, within a period of eight weeks therefrom.

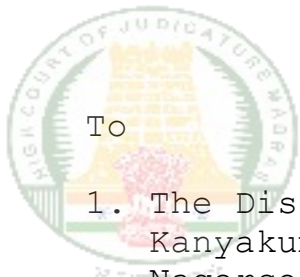
7. In the result, the impugned order dated 15.09.2016 passed by the second respondent, is set aside. Accordingly, the writ petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar



To

1. The District Revenue Officer,
Kanyakumari District,
Nagercoil.

2. The Revenue Divisional Officer,
Padbanabapuram,
Kanyakumari District.

3. The Tahsildar,
Kalkulam Taluk,
Thucklay,
Kanyakumari District.

+ 1 cc TO Mr.G.Cenil , Advocate in SR No. 89530

+ 1 cc TO Mr.Y.Sunderrajan , Party in person in SR No. 88889

+ 1 cc TO The Special Government Pleader in SR No. 89622

dsk

AE/MR KKR/SAR3/05.12.2017/3P/7C

ORDER MADE IN
W.P(MD) No.2027 of 2017
23.11.2017