

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :23.04.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.23681 of 2014

and

M.P.No.1 of 2014

and

M.P.No.1 of 2015

V.Kamalakkannan

..Petitioner

Vs

1.The Additional Chief Secretary &
Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.

2.The Tahsildhar,
Thirukazhukundram,
Kancheepuram District.

3.K.Dillidas

(R3 - Impleaded as per order dated
20.10.2014 in M.P.No.2/2014 in
W.P.No.23681 of 2014)

..Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Prohibition, prohibiting and forbearing the First respondent herein from conducting the Revision proceedings in Rc-No.K-1-16090-2013 that was initiated on 06-06-2014 against the order dated 16.05.2011 passed by the Assistant Settlement Officer(North), in SR.2/11 No.E2/4197/2011-Act XXVI of 1948.

For Petitioner : Mr.J.Thilagaraj

For Respondents: M/s.A.Srijayanthi, Spl GP for R1 & R2

Mr.S.Thangasivan for R3

O R D E R

The present writ petition has been filed to forbear the 1st respondent from conducting the revision proceedings initiated in Rc-No.K-1-116090-2013, which was initiated on 06.06.2014 against the order dated 16.05.2011 passed by the Assistant Settlement officer(North).

2.The writ petitioner claims ownership in respect of the land measuring 17.77 hectares in Neikuppi Village of Thirukazhukundram Taluk, Kancheepuram District. The petitioner has stated that the said property belongs to his forefather and now, belongs to the writ petitioner. However, an action was taken by the Assistant Settlement Officer under the TN Estate (Abolition and Conversion into Ryotwari Act, 1948) and an order was passed on 16.05.2011. Against the order passed by the Assistant Settlement Officer(North), the revision petition was preferred before the 1st respondent by 118 persons, who all are residing in that particular locality. Thus, the 118 revision petitions are pending before the 1st respondent for adjudication. The 1st respondent issued a hearing notice on 06.06.2014, fixing the date of hearing on 26.06.2014 at 3.30.p.m. Challenging the said hearing notice, the present writ petition has been filed.

3.No writ petition can be entertained against the hearing notice in a routine manner. Judicial review against the hearing notices are limited and hearing notice can be challenged if the same is issued by an incompetent authority having no jurisdiction or if the same is in violation of the statutory rules in force. In all other circumstances, the petitioner has to submit his explanation/objections and participate in the hearing of the Revision proceedings already initiated by the respondent at the instance of 118 persons, who have filed revision petitions. Now, all the revision petitions are kept pending on account of the pendency of the present writ petition. The authorities, who are exercising the statutory rules must be allowed to continue the proceedings in the manner known to law.

4.Intermittent interventions in revision proceedings are not preferable in all circumstances and the Courts must be cautious, while exercising the power of judicial review for the pending of such revision petitions.

5.The revision petitions are to be heard by the 1st respondent by providing an opportunity to all the parties concerned. The writ petitioner is at liberty to submit his explanation/objections and the documents in the revision

proceedings before the authorities concerned and defend his case in accordance with law. However, this Court in this writ petition, cannot adjudicate the merits and the demerits of the issues, which all are now sub judice before the Additional Chief Secretary & Commissioner of Land Administration/1st respondent.

6. In this view of the matter, the merits set out in the present writ petition deserves no adjudication by this Court in this writ petition. It is for the appropriate authority to consider all the facts and circumstances and the documents filed by the respective parties at the time of considering the revision petition.

7. Thus, no further adjudication is required in this writ petition. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

8. The respondents are directed to proceed with the revision petitions as early as possible and conclude the same within a reasonable period of time without causing any undue delay.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1. The Additional Chief Secretary &
Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.

2. The Tahsildhar,
Thirukazhukundram,
Kancheepuram District.

+2cc to Mr. Mr. J. Thilagaraj, Advocate, S.R.No.30121
+1cc to Mr. Mr. S. Thangasivan, Advocate, S.R.No.29927
+1cc to the Government Pleader, S.R.No.30688

W.P.No.23681 of 2014

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nr 17/05/2018