

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.11.2018

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.31145 of 2018
and W.M.P.No.36341 of 2018

P.Sivaraj

... Petitioner

Vs.

1.The Principal Secretary/Commissioner of
Revenue Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.

2.The District Revenue Officer,
Tirupur District,
Tirupur.

3.The Tenancy Record Officer/Tahsildar,
Udumalpet Taluk,
Udumalipet.

4.M/s.Lakshmi Machine Works Ltd,
Rep by its Managing Director,
No.34 A, Kamaraj Road,
Coimbatore - 641 018.

... Respondents

PRAYER :

Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to transfer the Revision Petition on the file of the 2nd respondent in Na.Ka.No.16967/2018/J1, 12.11.2018 against the order dated 22.10.2018 in Appeal Petition No.7 of 2018 (Palani) issued by the Special Deputy Collector, Revenue Court, Tiruchirapalli to any competent authority.

For Petitioner : Mr.M.Sivavarthanan

For Respondents : Mr.N.Inbanathan
Additional Government Pleader
[for RR1 to 3]
Mr.V.Ayyapparaja [for R4]

O R D E R

The Writ petition is filed seeking a mandamus directing the 1st respondent to transfer the Revision Petition on the file of the 2nd respondent in Na.Ka.No.16967/2018/J1 dated 22.10.2018 to any other competent authority and pass orders.

2. In the affidavit, it is stated that the 4th respondent wanted to sell his property to third parties and forced the petitioner to handover the possession of the land for which he is a lessee. Hence, there was a petition filed before the Tenancy Record Officer (Tahsildar), the 3rd respondent herein under Section 3 of the Tamil Nadu Agricultural Lands Record of Tenancy Act. The 3rd respondent issued notice and passed an order on 11.06.2018, dismissing the same. Therefore, the petitioner filed an Appeal under Section 6 of the Act to the Appellate Authority namely Special Deputy Collector, Revenue Court, Tiruchirapalli in Appeal Petition No.7 of 2018. The Appellate Authority issued notice to the 4th respondent and passed an order on 22.10.2018 allowing the appeal and directing that the petitioner's name be recorded as a tenant. The 4th respondent aggrieved by the said order has preferred a revision before the 2nd respondent under Section 7 of the Tamil Nadu Agricultural Lands Record of Tenancy Act, 1969.

3. It is alleged that the revision was filed on 09.11.2018 and the 2nd respondent had taken it on file on 12.11.2018 and issued notice to the petitioner fixing the date of hearing as 19.11.2018. It is stated now that the Revision Petition is adjourned to 26.11.2018 (i.e., today). The petitioner has made an allegation that the 2nd respondent is acting in an unprecedented hasty manner showing keen interest in the petition filed by the 4th respondent. Except the said allegation that the 2nd respondent had promptly issued notice and posted the matter for hearing, there is no other allegation set out in the affidavit filed by the petitioner warranting transfer of the Revision. Merely because the said officer is swift in his action and taking prompt decision, he cannot be attributed with bias and prejudice. It is very unfortunate that the prompt action taken by the Officer is said to be an unfair prejudice and the transfer is now sought for only on that ground and learned counsel would contend that he is willing to submit himself before any competent authority on any date fixed for hearing once the matter is transferred.

4. This Court fails to understand as to why the revision has to be transferred, when there is no evidence of any bias or prejudice on the part of the 2nd respondent. In fact the appeal is preferred by the 4th respondent herein and the petitioner is only a respondent in the revision petition. Transfer of matters

cannot be ordered for the sake of asking on rash and wanton allegations. A transfer cannot be asked for or granted, for any fancied notion of a litigant.

5. Accordingly, the writ petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary/Commissioner of Revenue Administration,
Ezhilagam, Chepauk, Chennai - 600 005.
2. The District Revenue Officer,
Tirupur District, Tirupur.
3. The Tenancy Record Officer/Tahsildar,
Udumalpet Taluk, Udumalipet.

+1cc to Mr.M.Sivavarthanan, Advocate, S.R.No.80241
+1cc to the Government Pleader, S.R.No.80937

W.P.No.31145 of 2018

KJ(CO)
CS/08/01/2019

सत्यमेव जयते

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