



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.22 of 2018

and

W.M.P (MD) No.19 of 2018

C.Palaniyandi

... Petitioner

Vs.

1. State of Tamil Nadu,
Rep by its Secretary to Government,
Revenue Department,
Fort St., George,
Secretariat,
Chennai 600 009.

2. The District Collector,
Collectorate, Trichy.

3. The District Revenue Officer,
Trichy.

4. The Tahsildar,
Musiri Taluk,
Trichy District.

5. Periyammal

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents 1 and 2 to transfer the case in Na.Ka.No.D6/7765/2014 from the file of the 3rd respondent to some other competent authority for appropriate hearing and disposal based on the Petitioners representation dated 26.12.2017.

For Petitioner

: Mr.M.Seeni Sulthan

For Respondents 1-4

: Mr.M.Govindan,

Special Government Pleader.

ORDER

This writ petition has been filed seeking direction to the respondents 1 and 2 to transfer the case in Na.Ka.No.D6/7765/2014 from the file of the third respondent to some other competent authority for appropriate hearing and disposal based on the petitioner's representation, dated 26.12.2017.



2. Heard Mr.M.Seeni Sulthan, learned counsel for the petitioner and Mr.M.Govindan, learned Special Government Pleader for the respondents 1 to 4. Notice to the fifth respondent is dispensed with in view of the nature of the order to be passed by this Court.

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3. According to the petitioner, he has filed an application seeking mutation of revenue records in the petitioner's name before the Tahsildar and the same was dismissed. As against the said order, the petitioner preferred an appeal before the Revenue Divisional Officer, Musiri in the year 2013 and the same was also dismissed on 16.12.2013. Challenging the said order of dismissal, the petitioner filed a revision before the District Revenue Officer, the third respondent herein which is pending. According to the petitioner, in the above revision, the petitioner wants to produce certain records and sought time but the District Revenue Officer refused to grant time and proceed with the enquiry. Hence, alleging that the District Revenue Officer is acting in biased manner, the present writ petition has been filed.

4. Per contra, learned Special Government Pleader submitted that when the revision was posted for hearing, the petitioner sought several adjournments to produce relevant documents in support of his claim and even though time was given, the petitioner was unable to produce the documents as required by him, in the above circumstances, the District Revenue Officer has reserved orders in the revision.

5. Learned counsel appearing for the petitioner submitted that the petitioner may be given one more opportunity to put forth his claim before passing any order by the third respondent.

6. In such view of the matter, the writ petition is disposed of directing the petitioner to appear before the third respondent on 18.01.2018 and put forth his claim by filing relevant documents. Thereafter, the third respondent shall pass appropriate orders in the revision filed by the petitioner on merits and in accordance with law, on or before 31st January 2018. It is made clear that if the petitioner failed to appear before the third respondent on that date and failed to produce any documents, it is open to the third respondent to proceed with the enquiry and pass orders. No costs. Consequently, W.M.P(MD)No.19 of 2018 is closed.

Sd/-

Assistant Registrar(W)

/True Copy/



To

1. The Secretary to Government
State of Tamil Nadu,
Revenue Department,
Fort St., George,
Secretariat,
Chennai 600 009.

2. The District Collector,
Collectorate, Trichy.

3. The District Revenue Officer,
Trichy.

4. The Tahsildar,
Musiri Taluk,
Trichy District.

+1cc to Spl.Government Pleader Sr.No.40365

+1cc to Mr.M.Seeni Sulthan, Advocate Sr.No.40077

SMS

VB/KK/SAR3/17/01/2018/3P/7C

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