



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2018
CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) .No.3016 of 2018
and
W.M.P. (MD) .No.3180 of 2018

M.Kalimuthu

... Petitioner

Vs.

- 1.The District Collector,
Dindigul District Collector Office,
Dindigul Post & District.
- 2.The District Revenue Officer,
O/o.the District Revenue Officer,
Dindigul West Taluk,
Dindigul District.
- 3.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Dindigul West Taluk,
Dindigul District.
- 4.The Tahsildar,
Dindigul West Taluk Office,
Dindigul West Taluk,
Dindigul District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order issued by the 2nd respondent on behalf of the 1st respondent in Na.Ka.No.37294/2017/D2 dated 05.02.2018 and quash the same and consequently, direct the 1st respondent to issue patta in favour of the petitioner's name for occupied house site in S.No.452/1, Koththapuli Village, Reddiyar Chathiram Post, Dindigul West Taluk, Dindigul District, as per G.O.Ms.No.854 Revenue Department dated 30.12.2006 and consequential G.O.Ms.No.142 Revenue Department dated 23.05.2013.

For Petitioner : Mr.M.Saravanakumar
For Respondents : Mr.D.Muruganantham
Additional Government Pleader

O R D E R

[Order of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Mr.M.Saravanakumar,, learned counsel appearing for the petitioner and Mr.D.Muruganantham, learned Additional Government Pleader appearing for the respondents.

2.The petitioner is aggrieved by an order passed by the first respondent in an appeal filed by the petitioner as against the order of eviction dated 19.07.2017, issued by the Revenue Inspector, Dindigul West Taluk. Before preferring the appeal, the petitioner approached this Court and filed a writ petition in W.P.(MD).No.15027 of 2017, the Division Bench by order dated 10.08.2017 held that the order passed by the Revenue Inspector is an appealable order and therefore, directed the petitioner to file an appeal before the District Collector, till such time, the Division Bench observed that status-quo shall be maintained, till the decision is taken by the appellate authority either in the stay application or in the main appeal. Hence, the petitioner preferred an appeal and the same has been rejected by the impugned order.

3.Though the learned counsel for the petitioner canvassed several points contending that the impugned order is erroneous and in violation of the principles of natural justice, we are not inclined to go into those aspects in this writ petition, because of the alternative remedy available to the petitioner before the Commissioner of Land and Revenue Administration, Chennai by way of revision. Therefore, he has to invoke the revisional remedy.

4.Accordingly, the writ petition stands disposed of by directing the petitioner to file revision petition before the Commissioner of Land and Revenue Administration, Chennai and if such revision is filed within a period of 15 days from the date of receipt of a copy of this order, the Revenue Authority shall entertain the revision petition, without reference to the limitation and take a decision on merits and in accordance with law. The petitioner is directed to file a stay petition before the revisional authority and pray for appropriate interim order.

5.In the light of all the observations made by the Division Bench in its order dated 10.08.2017 and in view of the reasons stated above, we direct the status-quo as on today, shall be maintained till the stay petition is heard and disposed of, by the Commissioner of Land and Revenue Administration, Chennai. No costs. Consequently, the connected miscellaneous petition is also closed.



6. Since the Commissioner of Land and Revenue Administration, Chennai is not a party to the writ petition, the Registry is directed to mark the copy of the order to the Commissioner of Land and Revenue Administration, Chepauk, Chennai.

/True Copy/

Sd/-
Assistant Registrar (T&P)

Sub-Assistant Registrar

To

1. The District Collector,
Dindigul District Collector Office,
Dindigul Post & District.
2. The District Revenue Officer,
O/o. the District Revenue Officer,
Dindigul West Taluk,
Dindigul District.
3. The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Dindigul West Taluk,
Dindigul District.
4. The Tahsildar,
Dindigul West Taluk Office,
Dindigul West Taluk,
Dindigul District.
5. The Commissioner of Land and Revenue Administration,
Chepauk, Chennai.

+One cc to The Special Government Pleader, SR.No.49026
+One cc to M/s.M.Saravanakumar, Advocate, SR.No.48694

Ns
RL/8C/3P/GT/SAR2/2/3/2018

W.P. (MD) .No.3016 of 2018
and
W.M.P. (MD) .No.3180 of 2018