



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.05.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P. (MD) No.11622 of 2018

and

W.M.P. (MD) Nos.10588 and 10589 of 2018

P.Kathirvel

...Petitioner

Vs.

1. The District Collector,
Karur, Karur District.
2. The District Revenue Officer,
D.R.O. Office, Karur, Karur District.
3. The Revenue Divisional Officer,
R.D.O. Office, Karur District.
4. The Tahsildar,
Taluk Office,
Karur, Karur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the fourth respondent in his proceedings in Na.Ka.A2/21/2018, dated 06.04.2018 and quash the same and consequently remove the seal affixed on 17.05.2018, directing the fourth respondent not to disturb or dispossess the petitioner from T.S.No.1703 of Karur Village.

For Petitioner : Mr.M.Alaguthevan

For Respondents : Mr.VR.Shanmuganathan
Special Government Pleader

ORDER



2.By consent, the writ petition itself is taken up for final hearing.

3.The petitioner has come up with the present writ petition seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the fourth respondent in his proceedings in Na.Ka.A2/21/2018, dated 06.04.2018 and quash the same and consequently, remove the seal affixed on 17.05.2018, directing the fourth respondent not to disturb or dispossess the petitioner from T.S.No.1703 of Karur Village.

4.It is the case of the petitioner that even though the fourth respondent has himself stated in his order, dated 06.04.2018 that if the petitioner is aggrieved over the said order, he can make an appeal before the Revenue Divisional Officer within 30 days time, he passed the subsequent order of affixure on 17.05.2018. According to the petitioner, the fourth respondent, without issuing any notice has passed the present impugned order. Hence, it is illegal and against the principles of natural justice and the same has to be quashed.

5.Admittedly, the order passed by the fourth respondent/Tahsildar is appealable. Though the petitioner was given 30 days time limit from 06.04.2018, he has not filed any appeal before the Revenue Divisional Officer, Karur. Therefore, the Writ Petition itself is not maintainable.

6.Accordingly, this Writ Petition is dismissed with liberty to the petitioner to file an appeal within a period of two weeks from the date of receipt of a copy of this order before the Revenue Divisional Officer, Karur. On receipt of the same, the Revenue Divisional Officer, Karur, is directed to pass appropriate orders within a period of eight weeks thereafter after affording an opportunity of personal hearing to the petitioner. The petitioner is also at liberty to file stay petition along with the appeal. The Tahsildar is directed to remove the seal till the filing of the appeal by the petitioner. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Vacation Officer

/True Copy/

Sub Assistant Registrar

To

<https://hcservices.ecourt.gov.in/hcservices/>
The District Collector,
Karur, Karur District.



2. The District Revenue Officer,
D.R.O. Office, Karur, Karur District.

3. The Revenue Divisional Officer,
R.D.O. Office, Karur District.

4. The Tahsildar,
Taluk Office,
Karur, Karur District.

+ 1 cc TO Mr.M.Alaguthevan , Advocate in SR No. 66405

smn2/pnn

AE/SKN RSK/SAR3/06.06.2018/3P/6C

W.P. (MD) No.11622 of 2018
30.05.2018