



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P(MD)Nos.20018 and 23494 of 2017

and

W.M.P(MD)Nos. 16296,16297,16298,19433,19754,19755 &19756 of 2017

W.P(MD)No.20018 of 2017

A.Jeyakodi

... Petitioner

Vs.

1. The District Collector cum District Revenue Officer,
Madurai.
2. The Revenue Divisional Officer,
Madurai.
3. The Thasildar,
Madurai South Taluk,
Madurai.

4.A.Jeyachandran

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the second respondent in her proceedings in Ni.Mu.No.3612/2013/No. Dated 04/02/2015 and consequent impugned order passed by the 3rd respondent in his proceedings in Ni.Mu.No.8488/2016 dated 21.09.2017 and quash the same consequently direct the third respondent to restore the original position in joint patta bearing patta no.899 including petitioner's mother's name as Sangili, D/o.Ponnachi ambalam.

W.P(MD)No.23494 of 2017

P.V.Thanasekar Pandiyan

... Petitioner

Vs

1. The District Revenue Officer,
Office of the District Revenue Officer,
Madurai District.
2. The Revenue Divisional Officer,
Madurai.
3. The Thasildar,
Madurai South Taluk,
Madurai.

<https://hcservices.ecourts.gov.in/hcservices/>

4. S.A.Jeyachandran

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the second respondent in her proceedings in Ni.Mu.No.3612/2013/No. Dated 04/02/2015 and consequent impugned order passed by the 3rd respondent in his proceedings in Ni.Mu.No.8488/2016 dated 21.09.2017 and quash the same consequently direct the third respondent to restore the original position in the Joint Patta bearing No.899, including the extent of 66 cents out of total extent of 2.47.10 Hectares comprised in Survey No.75/28, situated at Viraganoor Village, Madurai South Taluk, Madurai District.

For Petitioner	
W.P(MD)No.20018 of 2017	: Mr.B.Prahalad Ravi
For Petitioner	: Mr.Lakshmi Mahendra
W.P(MD)No.23494 of 2017	for Mr.P.Mahendran
For R1 to R3	: Mr.M.Rajarajan
	Government Advocate
For R4	: Mr.C.M.Arumugam
(in both W.Ps)	

COMMON ORDER

Both the writ petitions have been challenging the order passed by the second respondent/District Revenue Officer dated 04.02.2015 and the consequential order passed by the third respondent/Tashildar dated 21.09.2017.

2.According to the learned counsel appearing for the petitioners, earlier on appeal filed by the fourth respondent, the second respondent/Revenue Divisional Officer has passed an order dated 04.02.2015, remanding the matter to the third respondent/Thasildar to pass fresh order. Challenging the above order, both the petitioners as well as the fourth respondent filed two separate revisions before the first respondent/District Revenue Officer and the said revisions are pending. Pending the revision petitions, now the third respondent has passed an order granting patta in favour of the fourth respondent and cancelled the patta issued in favour of these petitioners. Aggrieved against the said orders passed by the second and third respondents, the present writ petitions have been filed.

3.It is an admitted fact that against the orders passed by the second respondent/Revenue Divisional Officer, Revision Petitions are pending before District Revenue Officer. When the revisions are pending before the revisional authority, the third respondent/Thasildar ought not to have passed the order based on the order passed by the Revenue Divisional Officer, dated 04.02.2015. Hence, the order passed by the third respondent/Thasildar is liable to be set aside.

<https://hcservices.ecourts.gov.in/hcservices/>, the learned counsel appearing for the fourth respondent submitted that now the first respondent has conducted



an enquiry on the revisions and both the parties were also appeared before the Revisional Authority.

5. Considering the above circumstances, the first respondent is directed to complete the enquiry and pass orders on the revision petitions within a period of six weeks from the date of receipt of a copy of this order. It is now submitted that in the Revision filed by the fourth respondent, the petitioners were not added as party respondents. Since the petitioners are joint pattadhars, it is always open to them to file a petition to implead them in the revisions filed by the fourth respondent. On filing the said petitions, the first respondent/District Revenue Officer is directed to implead the petitioners and permit them to raise their objections and thereafter, pass orders on merits and in accordance with law.

6. With the above directions, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector cum District Revenue Officer,
Madurai.
2. The Revenue Divisional Officer,
Madurai.
3. The Thasildar,
Madurai South Taluk,
Madurai.

+3cc to Mr.C.M.Arumugam , Advocate Sr.No.47573,47574,47371
+1cc to Mr.P.Mahendran, Advocate Sr.No.47571
+1cc to Mr.B.Prahalad Ravi, Advocate SR.No.47818

RMI
VB/SKN/RSK/SAR2/26.02.2018/3P/9C

**W.P(MD) Nos.20018 and 23494 of 2017 and
W.M.P (MD) Nos.16296,16297,16298,19433,19754,19755 &19756 of 2017**