



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.20860 of 2018

and

W.M.P. (MD) No.18637 of 2018

S.Muniyasamy

... Petitioner

Vs.

1.The Revenue Divisional Officer
Sivagangai, Sivagangai District

2.The Thasildar
Illaiyankudi
Sivagangai District

3.S.Muneeswaran

4.S.Kottaisamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus to call for the records pertaining to the impugned order of the 1st respondent passed in ப.மு.(அ3).1517/2016 dated 23.02.2018 which was sent to the respondent dated 18.08.2018 and to quash the same and to direct the 1st respondent to dismiss the patta transfer order passed by the 2nd respondent in கி.அ.ப.ம.எண்.375/2001-2002 dated 08.06.2001 in the manner known to law and based upon the documents produced by the petitioner.

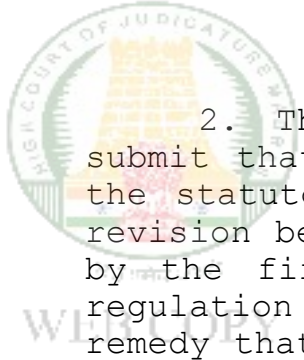
For Petitioner : Mr.K.Sudalaiyandi

For Respondents : Mr.M.Jeyakumar

Additional Government Pleader for R1 & R2

ORDER

The petitioner is aggrieved by the order passed by the first respondent/Revenue Divisional Officer, Sivagangai, Sivagangai District, in regard to the Patta entitlement. Though in the final portion of the impugned order, it is mentioned that in case the petitioner is aggrieved, he can prefer appeal before the District Revenue Officer, Sivagangai District, however, it appears that subsequently, the said statement has been scored-off by the first respondent, which means that the petitioner is entitled to approach the Civil Court for grant of any remedies in regard to the grievances projected by him in this writ petition.



2. The learned counsel appearing for the petitioner would submit that it is not open to the first respondent to snatch away the statutory remedy available to the petitioner by way of filing revision before the District Revenue Officer. Such an order passed by the first respondent is against the scheme of the statutory regulation and the petitioner cannot be deprived of the revisional remedy that will lie before the District Revenue Officer concerned. The petitioner can always invoke the revisional remedy and assail the order passed by the first respondent and such a remedy being very effective cannot be taken away without any valid reasons.

3. This Court is in agreement with the submissions made on behalf of the petitioner that it is not open to the first respondent to take away the revisional remedy available to the petitioner to approach the District Revenue Officer concerned by filing a revision petition. In the said circumstances, the impugned order passed by the first respondent in U.P.(A3).1517/2016, dated 23.02.2018, is hereby set aside only insofar as it directs the petitioner to approach the Civil Court and not by filing a revision petition as originally mentioned in the final portion of the order. Insofar as the other conclusion by the first respondent is concerned, the same shall remain intact.

4. In the above circumstances, the petitioner is permitted to approach the District Revenue Officer concerned within the time stipulated in the statute by filing a revision and it is always open to the petitioner to raise all his contentions, as he deems it fit, in the revision. In case such a revision petition is filed, the same shall be considered and appropriate orders may be passed by the District Revenue Officer concerned on merits and in accordance with law.

5. With these observations, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-II)

To:

1.The Revenue Divisional Officer,
Sivagangai, Sivagangai District.

2.The Thasildar,
Illaiyankudi,
Sivagangai District.



+1CC to Mr.K.Sudalaiyandi, Advocate, SR.No.88489
+1CC to the Special Government Pleader SR.No.88827

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