

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2019

CORAM :

THE HONOURABLE MR. JUSTICE T. RAJA

W.P. No.5493 of 2013

and

M.P. No.2 of 2013

K.Selvi

... Petitioner

Vs.

1.The District Revenue Officer,
Dharmapuri District,
Dharmapuri.

2.The Revenue Divisional Officer,
Dharmapuri Revenue Division,
Dharmapuri - 5.

3.The Tahsildar,
Dharmapuri Taluk,
Dharmapuri,
Dharmapuri District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the 2nd respondent in its proceedings, Ni.Mu.6693/2012 (Aa3) dated 21.12.2012 and quash the same and to consequently direct the respondents to restore the original patta in the petitioner's name in Survey No.1005/5, Maniyathahalli Village, Dharmapuri Taluk and District.

For Petitioner : Mr.M.R.Jothimanian

For Respondents : Mr.D.Raghu
Government Advocate

ORDER

This writ petition has been directed against the impugned order dated 21.12.2012, cancelling the assignment granted in favour of the petitioner on 16.06.2007, on the ground that the petitioner has not cultivated the land in question for a period of five long years.

2.Mr.M.R.Jothimanian, learned counsel appearing for the petitioner submitted that the allegation made in the impugned order of cancellation is wrong, since the petitioner has been cultivating the lands and the learned counsel also produced the relevant Patta, Chitta and Adangal, showing that the petitioner has been cultivating the lands during the five

years' period. However, ignoring the same, the impugned order has been passed, against which, the petitioner has filed an appeal before the 1st respondent on 08.02.2013 and the same is still pending and if a direction is given to the 1st respondent, the District Revenue Officer, Dharmapuri, who is the Appellate Authority to dispose of the appeal on merits and as per law, no prejudice will be caused to anyone.

3.Mr.D.Raghu, learned Government Advocate, appearing for the respondents admitted that an appeal is pending before the 1st respondent. He further submitted that the petitioner had also filed a civil suit and subsequently, she had withdrawn the same.

4.Since the appeal filed by the petitioner is pending from 08.02.2013, the District Revenue Officer, Dharmapuri District, the 1st respondent herein, is directed to take up the appeal and decide the same on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order.

5.With the above direction, this writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

6.This Court has granted an order of status quo on 27.03.2013. The order of status quo will continue till the disposal of the said appeal.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

mkkn

To

1.The District Revenue Officer,
Dharmapuri District, Dharmapuri.

2.The Revenue Divisional Officer,
Dharmapuri Revenue Division,
Dharmapuri - 5.

3.The Tahsildar,
Dharmapuri Taluk,
Dharmapuri, Dharmapuri District.

+1cc to Mr.M.R.Jothimanian, Advocate, S.R.No.86019

+1cc to the Government Pleader, S.R.No. 86477

W.P. No.5493 of 2013

RK (CO)
GN (18/11/2019)