

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.09.2019

Coram:

THE HONORABLE DR.JUSTICE G.JAYACHANDRAN

Writ Petition No.27606 of 2019

and

W.M.P.Nos.27112 and 27115 of 2019

K.Krishnaveni

.. Petitioner

/versus/

1.The District Collector,  
Harur Taluk,  
Dharmapuri-6.

2.The District Revenue Officer,  
Harur Taluk,  
Dharmapuri District.

3.The Revenue Divisional Officer,  
Harur Talk,  
Dharmapuri District.

4.The Tahsildar,  
Harur Taluk,  
Dharmapuri District.

5.The Village Administrative Officer,  
Moppiripatti Village,  
Harur Taluk,  
Dharmapuri District.

6.S.Natarajan

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records of the 2<sup>nd</sup> respondent pertaining to the proceedings in Na.Ka.No.17022/2018/Dha2 dated 15.07.2019 and quash the same.

For Petitioner

:Mr.P.Valliappan

For Respondents :Mr.K.Ravikumar, AGP  
for R1 to R5  
-----

O R D E R

By consent, the writ petition is taken up for final disposal at the admission stage itself.

2. Heard Mr.P.Valliappan, learned counsel appearing for the petitioner and Mr.K.Ravikumar, learned Additional Government Pleader, who takes notice for respondents 1 to 5.

3. The prayer in the writ petition is to issue a Writ of Certiorari calling for the records of the 2<sup>nd</sup> respondent pertaining to the proceedings in Na.Ka.No.17022/2018/Dha2 dated 15.07.2019 and quash the same.

4. The grievance of the petitioner is that a suit in O.S.No.65 of 2018 filed by the petitioner herein is pending before the District Munsif Court, Harur. The District Revenue Officer/2<sup>nd</sup> respondent has passed an order to carve out a portion of the patta land to provide access to the neighbouring land owner Natarajan the 6<sup>th</sup> respondent.

5. According to the petitioner, the District Revenue Officer/2<sup>nd</sup> respondent ought not to have passed the order at the instance of the 6<sup>th</sup> respondent Natarajan, who is a party in the pending suit. Though there is an appeal remedy under the Act to approach the Commissioner, Land Administration, since the order per se illegal and contrary to the law, the petitioner claims that this Court has to entertain this writ petition.

6. On perusal of the impugned order, it appears that both the petitioner herein as well as the said Natarajan-6<sup>th</sup> respondent were assigned free lands under the Scheme and now after considering the petition of the 6<sup>th</sup> respondent Natarajan and taking note of the pendency of the suit, the order impugned has been passed by the second respondent-District Revenue Officer on 15.07.2019. The writ petitioner has an appeal remedy as per the statute and the order passed by the 2<sup>nd</sup>

respondent/District Revenue Officer assigning reason can be tested by the appellate authority and it is not a hard and fast Rule that whenever civil suit is pending, the Revenue Authority should stay away from the disputes or the grievance brought to their notice by the Public. Since the impugned order indicates that the issue involves law and order, the District Revenue Officer has entertained the petition and passed the order. If there is any error factually and legally in the order, the petitioner is always at liberty to challenge the same before the appellate authority.

7. Hence, the writ petition is disposed of with liberty to the petitioner to prefer the appeal within 15 days from today since the limitation to prefer the appeal has already been expired. If any appeal is preferred before the Commissioner, Land Administration, the same shall be considered and orders shall be passed on merits within a period of three months from the date of filing of the appeal. If any appeal filed, pending appeal Status quo shall be maintained by all the parties.

8. In the result, the writ petition is disposed of. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-  
Assistant Registrar(CS)  
//True Copy//  
Sub Assistant Registrar

ari

To:

1.The District Collector,  
Harur Taluk,  
Dharmapuri-6.

2.The District Revenue Officer,  
Harur Taluk,  
Dharmapuri District.

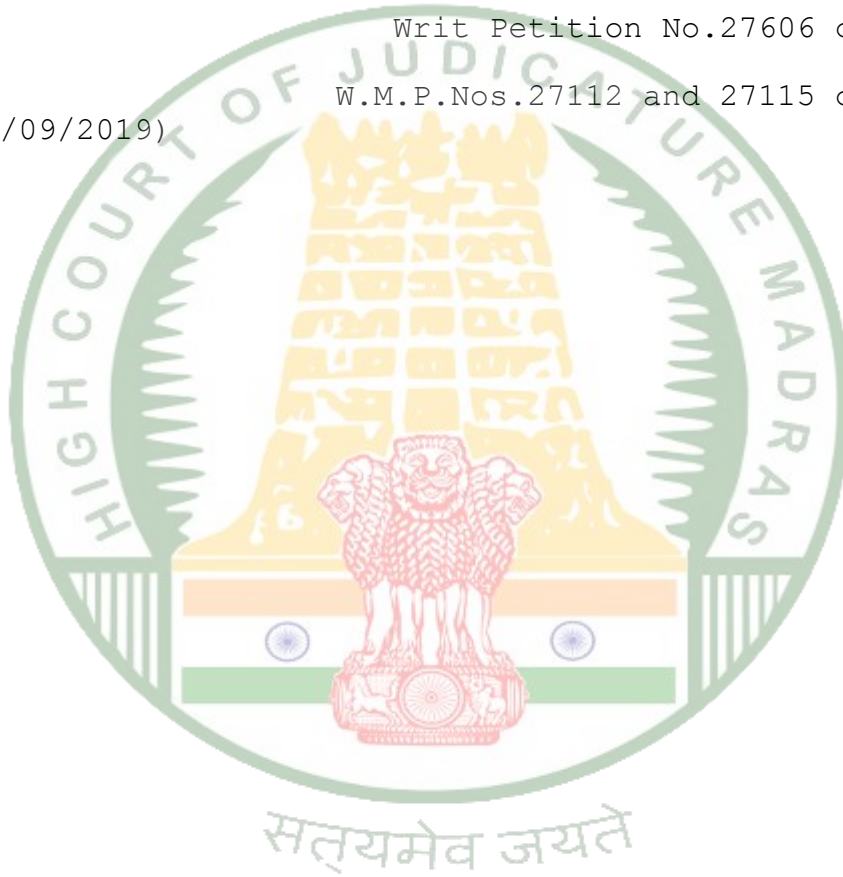
3.The Revenue Divisional Officer,  
Harur Talk,  
Dharmapuri District.

4.The Tahsildar,  
Harur Taluk,  
Dharmapuri District.

5.The Village Administrative Officer,  
Moppiripatti Village,  
Harur Taluk,Dharmapuri District.

+1cc to Mr.P.Valliappan , Advocate SR.No. 80568

Writ Petition No.27606 of 2019  
and  
W.M.P.Nos.27112 and 27115 of 2019  
A.SK(19/09/2019)



WEB COPY