



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2019

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

**W.A(MD)NO.677 OF 2019
and
C.M.P(MD)No.5909 of 2019**

1.Raja

2.Panchammal :Appellants/Respondents 4 and 5 in
W.P(MD)No.6945 of 2019

.vs.

1.Pandi

2.Rajangam

3.Muthulakshmi : Respondents/Petitioners 1,2 and 3
in W.P(MD)No.6945 of 2019

4.The District Revenue Officer,
Madurai.

5.The Revenue Divisional Officer,
Madurai.

6.The Tahsildar,
Usilampatti Taluk,
Madurai District. :Respondents/Respondents 1,2 and 3
in W.P(MD)no.6945 of 2019

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.6945 of 2019, dated 25.03.2019.

Prayer in WP(MD). 6945/ 2019 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records relating to the impugned order dated 24/01/2019 passed by the 1st respondent in Na.Ka.No.55709/2018/G2 and quash the same.



For Appellants : Mr.S.Namonarayanan
For Respondents : Mr.J.Barathan
1 to 3
For Respondents : Mr.VR.Shanmuganathan
4 to 6 Special Govt.Pleader

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JUDGMENT

[Judgment of the Court was made by **K.RAVICHANDRABAABU, J.**]

The fourth respondent before the Writ Court is the appellant. He is aggrieved against the order passed in the main Writ Petition, wherein and whereby, the Writ Court set aside the order, dated 24.1.2019 passed by the District Revenue Officer, Madurai and directed the said official to dispose of the main Revision Petition on merits and in accordance with law, after hearing all the interested parties, within a period of two months. The Writ Court has also observed that the interim order granted initially in favour of the Writ Petitioner by the Revenue Divisional Officer will continue till the disposal of the main Revision Petition.

2.Heard both sides.

3.It is seen that arising out of the patta proceedings, a revision was filed by the Writ Petitioners before the District Revenue Officer, Madurai, who in-turn by order, dated 14.12.2018, after entertaining the revision, granted an order of interim stay. Thereafter, the appellant herein, filed an application before the District Revenue Officer to vacate the stay through application, dated 23.1.2019. Based on the said application, the Revenue Divisional Officer vacated the stay through the impugned order, dated 24.1.2019. Challenging the said order, the Writ Petitioners filed the above Writ Petition where the Writ Court has passed an order as stated supra.

4.The learned counsel for the appellant submitted that even though the appellant has no grievance over the direction issued by the Writ Court to dispose of the main revision on merits and in accordance with law, the stay granted originally by the District Revenue Officer ought not to have been restored by the Writ Court. Therefore, it is contended that the order passed by the District Revenue Officer, dated 24.1.2019 should be restored and thereafter, the revision can be directed to be disposed of on merits.

5.We have perused the order passed by the District Revenue Officer, dated 24.1.2019, the subject-matter challenge in the Writ Petition.



6.It is seen that the stay granted originally was vacated by the said official without assigning any reasons. No doubt, it is only an interim arrangement during the pendency of revision. Even then, when stay already granted is sought to be vacated and consequently, the order of vacating the stay is also granted, such order should contain reasons for vacating the stay. In this case, the District Revenue Officer has not given any reason. Therefore, the Writ Court has rightly restored the original position and directed the revision to be taken up and decided on merits and in accordance with law. Merely by restoring the stay, it does not mean that this Court has accepted the case of the writ Petitioners. On the other hand, a specific direction is issued to decide the main revision itself on merits.

7.Thus it is for the District Revenue Officer to consider the claim of both parties and pass orders uninfluenced by any of the observations made by the Writ Court and also the reasons, if any assigned for grant of interim stay earlier. Therefore, We find that the grievance expressed by the appellant before this Court is misconceived.

8.Consequently, the Writ Appeal is disposed of only by observing that the District Revenue Officer, Madurai being the revisional authority shall dispose of the revision on merits and in accordance with law, after hearing all the interested parties uninfluenced by any of the observations made by the Writ Court. Such exercise shall be done by the revisional authority within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar(CS)

vsn

To

1.The District Revenue Officer,
Madurai.

2.The Revenue Divisional Officer,
Madurai.



3.The Tahsildar,
Usilampatti Taluk,
Madurai District.

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+1CC TO MR.S.NAMO NARAYANAN, Advocate Sr. No.73681
+1CC TO MR.T.R.JEYAPALAM, Advocate Sr. No.73667
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 73936

JUDGMENT MADE IN
W.A(MD) NO.677 OF 2019
and
C.M.P(MD) No.5909 of 2019
05.07.2019

MA (CO)
TR (09.07.2019) 4P 7C