



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2019

CORAM:

THE HONOURABLE **MR.JUSTICE M.SUNDAR**

W.P(MD)No.22626 of 2019

WEB COPY

Solai Alagu

... Petitioner

/vs./

- 1.The District Collector,
Sivaganga District.
- 2.The District Revenue Officer,
(D.R.O) Sivaganga District,
District Collectorate,
Sivaganga.
- 3.The Revenue Divisional Officer,
Devakkottai,
Sivaganga District.
- 4.The Tahsildar,
Devakkottai Taluk,
Devakkottai, Sivaganga District.
- 5.K.Muthuvijayan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the second respondent herein to dispose of the appeal filed by the petitioner which has been numbered as Na.Ka.C3/25619/2015.

For Petitioner : Mr.S.Manikandan
For Respondents : Ms.V.P.M.Vaishnavi (for R1 to R4)
Government Advocate

ORDER

Mr.S.Manikandan, learned counsel on record for writ petitioner is before this Court.

2. Ms.V.P.M.Vaishnavi, learned Government Advocate, accepts notice on behalf of respondents 1 to 4.

3. To be noted, respondent No.5 is private respondent. In the hearing, learned counsel for writ petitioner restricts the prayer to disposal of appeal. From the abridged prayer it comes to light that an order, which is not adverse to fifth respondent (private



respondent) can be passed, after making sufficient and adequate safe-guards in this regard.

4. With consent of learned counsel on record for the writ petitioner and learned Government Advocate, who accepts notice on behalf of respondents 1 to 4 (official respondents), main writ petition is taken up, heard out and is being disposed of.

5. The main writ petition turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's statutory revision dated 18.11.2015 under Section 13 of the 'Patta Passbook Act 1983' (hereinafter referred to as 'said Act' for the sake of brevity).

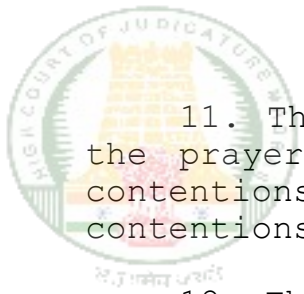
6. To be noted, statutory revision (this Court is informed that it has been wrongly described as appeal in the case file) is dated 18.11.2015 and is therefore, nearly four years old now.

7. Notwithstanding several averments made in the affidavit filed in support of the writ petition, notwithstanding several grounds raised / contentions urged in the affidavit filed in support of instant writ petition, learned counsel for writ petitioner (as mentioned supra) abridges the scope of the writ petition and submits that it will suffice if the second respondent is directed to dispose of the aforementioned statutory revision of the writ petitioner, dated 18.11.2015, details of which have been alluded to supra.

8. Learned State counsel submitted that the second respondent is the authority who shall consider the aforementioned statutory revision dated 18.11.2015 made by the writ petitioner (page No.14 to 18 of the typed set of papers forming part of the case file).

9. The aforesaid statutory revision dated 18.11.2015 shall be disposed of by the second respondent on its own merits and in accordance with law as expeditiously as possible and in any event, within a period of eight (8) weeks from the date of receipt of a copy of this order, if not already disposed of.

10. It is made clear that in the course of the revision being considered by the second respondent, if the rights of any other third party / parties or any other third party entity / entities is / are likely to be affected, the second respondent shall put on notice and give reasonable opportunity to such third party / parties or any other third party entity / entities, before disposing of the aforementioned writ petitioner's statutory revision. Though obvious, it is made clear that this Court has not expressed any opinion or view on the merits of the matter. It is also made clear with specificity that fifth respondent has to be put on notice and given a reasonable opportunity by the second respondent before taking a decision. The authority concerned shall not embark upon any exercise which is not within the domain of civil Court jurisdiction.



11. Though obvious, it is made clear that petitioner abridging the prayer will not tantamount to writ petitioner giving up the contentions raised in the writ petition. In other words, all contentions raised in the writ petition are left open.

12. The proceeding / order of disposal shall be communicated by the office of the second respondent to the writ petitioner, fifth respondent and others concerned if any under due acknowledgement within seven (7) working days from the date of completion of aforesaid exercise.

13. Instant Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

rmk

To

- 1.The District Collector,
Sivaganga District.
- 2.The District Revenue Officer,
(D.R.O) Sivaganga District,
District Collectorate,
Sivaganga.
- 3.The Revenue Divisional Officer,
Devakkottai,
Sivaganga District.
- 4.The Tahsildar,
Devakkottai Taluk,
Devakkottai, Sivaganga District.

+1 CC to M/s.R.SUNDAR SRINIVASAN, Advocate SR-94773.

Order made in
W.P(MD)No.22626 of 2019

Dated:
25.10.2019

CS(19.11.2019) 3P 6C