BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P.(MD).No.27063 of 2019
and W.M.P.(MD).No.23404 of 2019

Kavitha .. Petitioner

Vs.

1.The District Collector,
Collector Office,
Sivagangai District.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Devakottai, Sivagangai District.

3.The Tahsildar,
Taluk Office,
Devakottai Taluk,
Sivagangai District.

4.The Taluk Surveyor,
Devakottai Taluk,
Sivagangai District.

5.Karmegam .. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to consider the petitioner's Review Petition in 8693 of 2019, within the stipulated time.

For Petitioner : Mr.K.Rajeshwaran
For Respondents : Mr.A.Muthu Karuppan
Additional Government Pleader

ORDER

This writ petition is filed for issuing a writ of mandamus directing the 2nd respondent to consider the petitioner's Review Petition in 8693 of 2019, within the stipulated time.

2.The petitioner states that some properties comprised in Survey Numbers in S.Nos.1/4A1 and 1/4A2 in Semanenthal @ Mullikundu Village, Sirumaruthur Group, Devakottai Taluk, Sivagangai District, are the ancestral properties of one Athmanathan. It is further stated that a suit for partition in O.S.No.171/1993 on the file of District Munsif Court, Devakottai, filed against Athmanathan was decreed and in the final decree certain items of properties were allotted to the petitioner's vendor. The petitioner states that she has given the property, purchased by her, on lease for running a TASMAC shop with bar. One Karmegam who is the 5th respondent in the writ petition has filed a suit against the petitioner's vendor and it is admitted that the said suit was decreed in favour of 5th respondent. Stating that the said decree in the suit in O.S.No.131/2012 was obtained in a fraudulent manner, the petitioner has filed a suit in O.S.No.139 of 2018 before the Sub Court, Devakottai against respondents No.3 and 5, on the ground that she is not a party to the earlier suit and that the decree was obtained by fraud without any notice to the petitioner. It is in this circumstances, the petitioner noticed that patta has been transferred in the name of 5th respondent without issuing any notice to the petitioner by an order, dated 26.09.2019. The petitioner filed a Review Petition before the second respondent and come before this Court for early disposal of the said Review petition. It is to be noted that review is a creation of statute. Unless there is power vested in any authority to review his own order, Review cannot be entertained by the statutory authorities as a matter of routine.

3.In that view of the matter this Court is of the view that the petitioner is entitled to file a Revision before the District Revenue Officer as against the order of second respondent under the Tamilnadu Patta Pass Book Act. Hence, giving liberty to the petitioner to file a Revision or appeal as against the order of second respondent, before the competent authority, this writ petition is dismissed. In an appeal or Revision is filed before the competent authority, within a period of 10 days from the date of receipt of a copy of this order, the District Revenue Authority or the competent authority is directed to entertain such revision or appeal without reference to any limitation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The District Collector, Collector Office, Sivagangai District.

2.The Revenue Divisional Officer, Revenue Divisional Office, Devakottai, Sivagangai District.

3.The Tahsildar, Taluk Office, Devakottai Taluk, Sivagangai District.

4.The Taluk Surveyor, Devakottai Taluk, Sivagangai District.

+1 CC to M/s.SPL.GP (SR-106146[F] dated 20/12/2019)

+1 CC to M/s.K.RAJESHWARAN, Advocate (SR-106352[F] dated 20/12/2019)

W.P.(MD).No.27063 of 2019
19.12.2019

_KK/SAR/11.02.2020/3P-7C/