

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2020

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P.No.18167 of 2020

M. Madha

... Petitioner

Vs.

1. The District Revenue Office,
Collector Office Campus,
Udhagamandalam, Nilgiris District.

2. The Sub-Collector,
Udhagamandalam,
Nilgiris District.

3. The Tahsildar,
Udhagamandalam Taluk Office,
Udhagamandalam,
Nilgiris District.

4. M.Rangarajan

... Respondents

Prayer: Writ Petition filed under Section 226 of Constitution of India praying for issuance of Writ of Mandamus directing the 1st respondent to dispose the revision petition filed by the petitioner dated 27.10.2020 on the file of the first respondent.

For Petitioner : Mr.M.Saravana Kumar

For Respondents: Mr.Annai Ezhil, Govt. Advocate

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O R D E R

This Writ Petition has been filed for the issue of Writ of Mandamus directing the 1st respondent to dispose of the Review Petition filed by the petitioner on 27.10.2020 within the time limited prescribed by this court.

2. Heard Mr.M.Saravanakumar, learned counsel appearing for

the petitioner and Mr. Annai Ezhil, learned Govt. Advocate appearing for the respondents 1 to 3.

3. It is seen from records that the 1st respondent has already passed the impugned order in the appeal on 1.10.2020. Thereafter, the petitioner has filed a Review Petition before the 1st respondent on 27.10.2020 and seeks for disposal of this review petition. In the considered view of this Court, a Review Petition is not maintainable before the 1st respondent. Unless a statute permits power of review, it can never be exercised by any authority. Useful reference can be made to the judgment of the Honourable Supreme Court in the case of Kalabharati Advertising vs Hemant Vimalnath Narichania & Ors reported in (2010) 7 MLJ page 1043. Therefore, no useful purpose will be served by issuing a direction to the 1st respondent to consider the review petition filed by the petitioner.

4. The learned counsel for the petitioner submitted that the petitioner will work out her remedy by challenging the order passed by the 1st respondent on 1.10.2020 and the order passed in this Writ Petition should not be put against the petitioner.

5. It is made clear that the petitioner can always exercise her right to challenge the order passed by the 1st respondent on 1.10.2020 and the orders passed in this Writ Petition will not come in her way. Liberty is granted to the petitioner to challenge the order passed by the 1st respondent in the manner known to law.

6. This Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS IX)

//True Copy//

Sub Assistant Registrar

msr

To

1. The District Revenue Office,
Collector Office Campus,
Udhagamandalam, Nilgiris District.
2. The Sub-Collector,
Udhagamandalam,
Nilgiris District.

3. The Tahsildar,
Udhagamandalam Taluk Office,
Udhagamandalam,
Nilgiris District.

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CO (VGII)
BDL/11/01/2021



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