

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2020

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.10329 of 2017

and

W.M.P.Nos.11260 & 11261 of 2017

S.Rajavel

.. Petitioner

-vs-

1.The District Collector,
Namakkal District,
Namakkal.

2.The District Revenue Officer,
Namakkal District,
Namakkal.

3.The Revenue Divisional Officer,
Thiruchengode,
Namakkal District.

4.The Tahsildar,
Thiruchengode Taluk,
Namakkal District.

5.Mohan

.. Respondents

Petition under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records pertaining to the order having reference NI.Mu.13940/2015/o1 dated 29.07.2016 on the file of the 2nd respondent and quash the same.

For Petitioner : Mr.B.S.Manikandan

For Respondents: RR1 to 4 - Ms.A.Sri Jayanthi,
Special Government Pleader

: R5 - Notice dispensed with

ORDER

Heard Mr.B.S.Manikandan, learned counsel appearing for the petitioner; and Ms.A.Sri Jayanthi, learned Special Government

Pleader appearing for respondents 1 to 4.

2.In the light of the orders the Court proposes to pass, notice to the fifth respondent is dispensed with.

3.The petitioner seeks to quash the order passed by the second respondent dated 29.07.2016, by which the petitioner's representation given to the District Collector, Namakkal, dated 21.05.2015 is stated to have been treated as an appeal petition as against the order passed by the Revenue Divisional Officer, Namakkal, dated 22.04.2015 and has been rejected.

4.The learned counsel for the petitioner would submit that the impugned order has been passed on a misconception as if the representation dated 21.05.2015, submitted by the petitioner on the Farmers Grievance Redressal meeting was an appeal. It is submitted that the representation was to take action against the erring revenue officials and was not an appeal petition against the order of the Revenue Divisional Officer dated 22.04.2015.

5.The learned counsel for the petitioner further submitted that since the petitioner is the plaintiff in O.S.No.237/2008, on the file of Sub Court, Tiruchengode, the petitioner will have to work out his remedy before the Civil Court, but in the mean time, the revenue records stood mutated and the name of the fifth respondent was included in the patta. This according to the petitioner was because of the revenue officials, who had received illegal gratification and committed mischief. Further, it is submitted that the revenue official ought not to have mutated the revenue records especially when, civil suits are pending and an order passed in the interlocutory application in C.R.P(PD) No.3099 of 2013 is also pending before this Court. Therefore, it is submitted that unless and until there were extraneous reasons for the revenue officials to act, the revenue records would not have been mutated.

6.From the representation dated 21.05.2015 addressed to the District Collector, it is seen that nowhere the petitioner has mentioned the same to be an appeal petition against the order passed by the Revenue Divisional Officer, dated 22.04.2015. Therefore, it is for the District Collector, Namakkal to take appropriate action on the petition submitted by the petitioner. However, this Court finds that the representation dated 21.05.2015, stated to have been submitted on the Formers Grievance Redressal meeting, does not contain adequate particulars for the Collector to consider. Therefore, the petitioner should give a fresh representation which can be directed to be considered by the District Collector.

7.In the light of the above, without expressing any opinion

on the merits of the petitioner's allegation, liberty is granted to the petitioner to submit a fresh representation giving full details and submit the same to the District Collector, Namakkal by appearing on the date fixed for the Grievance Redressal enclosing a copy of this order and on receipt of the same, the first respondent shall do the needful in the matter in accordance with law as expeditiously as possible.

8. With the above observation, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

abr

To

1. The District Collector,
Namakkal District,
Namakkal.
2. The District Revenue Officer,
Namakkal District,
Namakkal.
3. The Revenue Divisional Officer,
Thiruchengode,
Namakkal District.
4. The Tahsildar,
Thiruchengode Taluk,
Namakkal District.

+1cc to Mr.B.S.Manikandan, Advocate, S.R.No.417
+1cc to the Government Pleader, S.R.No. 9983

W.P.No.10329 of 2017

CA(CO)
GN(28/01/2020)