



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.07.2020

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.7855 of 2020

and

W.M.P (MD) .Nos.7326, 7327 and 7329 of 2020

S.Baskaran

...Petitioner

Vs

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

2.The District Revenue Officer,
Collectorate Complex,
Sivagangai.

3.The Revenue Divisional Officer,
Sivagangai Revenue Division,
Office of RDO, Sivagangai.

4.The Tahsildar,
Manamadurai, Sivagangai District.

5.S.Kannan

6.S.Sivaraman

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in the impugned proceedings of the order Na.Ka.A3/139/2018 dated 13.12.2019 passed by the 3rd respondent and quash the same as illegal, arbitrary based on fraudulent documents and against Natural justice and consequently directing the fourth respondent to restore the patta to its original position as on the date (10.01.2020) of filing Revision by the petitioner before the 2nd respondent in respect of the properties in S.No.114 an extent of Hectare 4.28.00 and S.No.116 an extent of Hectare 1.77.5 situated at Therkusanthanur Village, Manamadurai Taluk, Sivagangai District.

For Petitioner : Mr.K.Muraleedharan

For R1 to R4 : Mr.P.Kannithevan
Additional Government Pleader



ORDER

This Writ Petition is filed to quash the impugned proceedings of the order Na.Ka.A3/139/2018 dated 13.12.2019 passed by the third respondent and consequently to direct the fourth respondent to restore the patta to its original position as on the date (10.01.2020) of filing of the Revision by the petitioner before the second respondent, in respect of the properties in S.No.114 measuring an extent of Hectare 4.28.00 and S.No.116 measuring an extent of Hectare 1.77.5, situated at Therkusanthanur Village, Manamadurai Taluk, Sivagangai District.

2.Heard Mr.K.Muraleedharan, learned counsel appearing for the petitioner and Mr.P.Kannithevan, learned Additional Government Pleader appearing for the respondent Nos.1 to 4.

3.According to the petitioner, he has purchased the lands in Survey Nos.114 and 116, situated at Therkusanthanur Group, Manamadurai Taluk, Sivagangai District, vide registered Document No.2315 of 2003 to an extent of 4.28 Hecs and 1.77.5 Hecs. After the purchase of the said lands, the petitioner is in possession and enjoyment of the lands for the past 16 years. While so, the petitioner came to know that somebody has filed a petition before the Revenue Divisional Officer. Therefore, the petitioner approached the RDO and gave a statement. The RDO has passed the impugned order dated 13.12.2019 transferring the patta in the name of the sixth respondent. Against which, the petitioner has filed a revision dated 10.01.2020 before the second respondent. Since no action has been taken, the petitioner is before this Court.

4.The learned counsel appearing for the petitioner submitted that the Revenue Divisional Officer has passed an order based on the forged documents, without providing any opportunity to the petitioner. Against the said order dated 13.12.2019 passed in Na.Ka.A3/139/2018 by the Revenue Divisional Officer, the petitioner has filed a Revision Petition on 10.01.2020 before the District Revenue Officer, along with stay application. The said Revision Petition is pending before the second respondent and no final order has been passed so far. Hence, the petitioner prays the aforesaid relief in this Writ Petition.

5.The learned Additional Government Pleader appearing for the respondent Nos.1 to 4, on instructions, would submit that the second respondent has received the Revision Petition filed by the petitioner and the same is pending.

6.In view of the submission made by the learned counsels, this Court is inclined to pass the following orders:

(i)The second respondent is directed to consider the



petitioner's revision petition dated 10.01.2020 and pass orders on merits and in accordance with law, after providing opportunity to the parties concerned.

(ii)The second respondent shall complete the said exercise within a period of twelve(12) weeks from the date of receipt of a copy of this order.

(iii)In the mean time, if any stay application is filed by the petitioner, the same shall be considered within a period of two weeks.

7.With the above direction, this Writ Petition is disposed of. No costs.Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Collector,
Office of the District Collector,
Sivagangai.
- 2.The District Revenue Officer,
Collectorate Complex,
Sivagangai.
- 3.The Revenue Divisional Officer,
Sivagangai Revenue Division,
Office of RDO
Sivagangai.
- 4.The Tahsildar,
Manamadurai, Sivagangai District.

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