



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :16.09.2020

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.11748 of 2020

and

W.M.P. (MD) No.10191 of 2020

WEB COPY

K.Gurunathan

...Petitioner

Vs

1.The District Revenue Officer,
Trichy District,
Trichy.

2.The Revenue Divisional Officer / Sub Collector,
Musiri Division,
Musiri,
Trichy District.

3.The Tahsildar,
Thuraiyur Taluk,
Trichy District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned order issued by the 3rd respondent in Na.Ka.A1/0833/2020 dated 11.03.2020 and to quash the same.

For Petitioner

: Mr.R.Gowrishankar

For Respondents

: Mr.P.Kannidevan

Additional Government Pleader

ORDER

Challenging the order passed by the 3rd respondent dated 11.03.2020, the present writ petition has been filed.

2.By consent, this writ petition is taken up for final disposal at the admission stage itself.

3.According to the petitioner, his father had executed a settlement deed dated 20.10.2008 in favour of him for the property in S.No.550/14, measuring to an extent of 0.01.50 sq.mtr., and in respect of the same the petitioner was issued with Patta No.79. However, without affording due opportunity of hearing to the petitioner, the respondents have constructed a building in some portion of the said property, measuring to an extent of 0.01.04 sq.mtr. In this regard, though the petitioner made several representations before the official respondents, so far no action has been taken.



4.At this juncture, the 3rd respondent, by proceedings dated 12.01.2016, had cancelled the patta issued in favour of the petitioner's father for the said property. Challenging the same, the petitioner has filed an appeal before the 2nd respondent and the 2nd respondent, by proceedings dated 27.02.2020, had also cancelled the patta issued in favour of the petitioner for the said property and directed the officials to subdivide the said property. Aggrieved by the same, the petitioner has filed a revision petition on 19.03.2020 before the 1st respondent and the same is pending now. In the meantime, the 3rd respondent had passed the impugned order dated 11.03.2020, directing the Sub Inspector of Survey, Thuraiyur Taluk, and Surveyor of Kannanur to prepare documents for subdividing the petition mentioned property. Challenging the same, the present writ petition.

5.In reply, the learned Additional Government Pleader appearing for the respondents would submit that the present writ petition has been filed after a lapse of 6 months period from the date of passing the impugned order. The revision petition filed by the petitioner on 19.03.2020, would be considered on merits and in accordance with law, within a time frame to be fixed by this Court.

6.Recording the submission made by the learned Additional Government Pleader, this Court, without expressing any opinion on the merits of the case, is inclined to pass the following direction:-

the 1st respondent is directed to consider the petitioner's revision petition dated 19.03.2020 and pass appropriate orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order, after affording opportunities to the parties concerned;

7.This Writ Petition is disposed of, with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CSII)

// 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 Revenue Officer,
Trichy District,
Trichy.

2.The Revenue Divisional Officer / Sub Collector,
Musiri Division,
Musiri,
Trichy District.

3.The Tahsildar,
Thuraiyur Taluk,
Trichy District.

+1 CC to M/s.SPL GP (SR-17278[F] dated 17/09/2020)

+1 CC to M/s.R. GOWRI SHANKAR, Advocate (SR-17352[F] dated
18/09/2020)

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16.09.2020

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KB(28.09.2020) 3P 6C