



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :28.09.2020

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.(MD) No.12175 of 2020

and

W.M.P.(MD) No.10466 of 2020

WEB COPY

Karuppiah

...Petitioner

Vs

The District Revenue Officer,
Ramanathapuram,
office at
District Collectorate,
Ramanathapuram District,
Ramanathapuram.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent to defer the revision proceedings in file No.Na.Ka.P5/29428/2017, on the file of the respondent, for a period of 8 weeks.

For Petitioner : Mr.AN.Ramanathan

For Respondent : Mr.M.Murugan

Government Advocate

ORDER

This Writ Petition is filed to direct the respondent to defer the revision proceedings in file No.Na.Ka.P5/29428/2017, on the file of the respondent, for a period of 8 weeks.

2.It is the case of the petitioner that the petitioner's mother, namely, Iruli @ Sigapi, was having an extent of 4 acres and 88 cents in old Survey No.267/3 and the Revenue Department had issued patta for S.No.267/3, 305/1, 244/6 and 244/3 in the name of the petitioner's mother in patta passbook No.256 and she also sold the land in S.F.No.244/3 to one Muniyandi, who is the maternal uncle of the petitioner. While so, one Andi, without having any right, obtained UDR patta for S.F.No.267/3, which was sub divided into S.F.No.267/3A and 267/3B. Aggrieved over the same, the petitioner herein preferred an appeal before the Thasildar, Paramakudi. Based on the materials, the Thasildar, restored the patta in favour of the petitioner. Thereafter, the petitioner executed a settlement deed in favour of his children. Aggrieved by the same, one Kulanthaiammal, who claims the title over the said property, has preferred an appeal before the sub Collector/Revenue Divisional Officer, Paramakudi and the same was allowed by the Sub-Collector on 09.01.2017, but the said order was not communicated to the petitioner. The petitioner had obtained the order copy under the Right to Information Act, and preferred revision before the respondent herein in 2017.



3. During the pendency of the aforesaid proceedings, the counsel's wife suffered with Covid-19, due to which, the counsel for the petitioner was also quarantined. Therefore, at the time of hearing the revision, i.e. on 01.09.2020, the counsel for the petitioner was not able to appear before the respondent and the counsel by an application through his junior requested the respondent to give time to argue the case, but, the same was rejected by the respondent. Hence, the present writ petition.

4. The learned Government Advocate appearing for the respondent would submit that though the revision is filed in the year 2017, the petitioner did not cooperate with the respondent for enquiry.

5. In reply, the learned counsel appearing for the petitioner would submit that the petitioner is ready and willing to produce all the relevant documents and to appear before the respondent for enquiry in the 1st week of December 2020.

6. Considering the submissions made by the learned counsel on either side and on perusal of the medical certificate issued by the Medical Practitioner, this Court is inclined to pass the following directions:-

i) the respondent is directed to serve notice to the petitioner by informing him to appear for enquiry in the 1st week of December, 2020;

ii) on receipt of such notice, the petitioner is directed to appear before the respondent for enquiry and to produce all the relevant documents, if any, without fail;

iii) the petitioner is also directed to cooperate with the respondent for enquiry and not to seek unnecessary adjournment for disposal of the aforesaid revision;

iv) the respondent is also directed to serve notice to any other interested parties, if necessary;

v) if there is any difficulty for the petitioner to appear for enquiry before the respondent in the 1st week of December, 2020, it is open to the petitioner to send his counsel or any other person authorized by him to appear for enquiry and to produce all the relevant documents, if any, before the respondent on the said date;

7. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// 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

The District Revenue Officer,
Ramanathapuram,
office at
District Collectorate,
Ramanathapuram District,
Ramanathapuram.

+1 CC to Mr.AN. RAMANATHAN, Advocate (SR-18302[F] dated
29/09/2020)

+1 CC to SPL GP (SR-18503[F] dated 30/09/2020)

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VB (09.10.2020) 3P 4C