

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2021

CORAM:

THE HON'BLE MR. JUSTICE N.SESHASAYEE

WP.No.1489 of 2021  
& WMP.No.1684 of 2021

M.G.Dheenadayalan

...Petitioner

-Vs-

1. The Revenue Divisional Officer,  
Tiruthani.

2. Tmt.M.Sathya,  
Revenue Divisional Officer,  
Tiruthani.

3. The Thasildar,  
Tiruthani.

4. V.Elumalai ...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for records relating to the order of the first respondent made in Na.Ka.1247/2020/A2 dated 29.12.2020, to quash the same.

For Petitioner : Mr.L.Chandrakumar  
For R1 to R3 : Mr.E.Balamurugan  
Special Government Pleader

ORDER

The Writ Petition is filed for a Writ of Certiorari calling for records relating to the order of the first respondent made in Na.Ka.1247/2020/A2 dated 29.12.2020 and to quash the same.

2.The learned counsel for the petitioner submitted that the issue has got two parts; (1) the legal opinion obtained by the first respondent from the Government Pleader and (2) the first respondent has delegated the Authority to enquire into the issue to the Tahsildhar concerned, when she is the Authority to decide it.

3.Heard both sides.

4.Mr.E.Balamurugan, learned Special Government Pleader entered appearance for respondents 1 to 3.

5.The learned counsel added that with regard to this matter, there are two suits pending, one in O.S.No.230 of 2007 before the District Munsif Court, Tiruthani and another in A.S.No.21 of 2013 before the Sub Court, Tiruthani. In both these cases, the title to the property is an incidental issue and necessarily, the Revenue Authorities have to stay away from deciding the issue of cancellation of patta.

6.This Court finds prima facie merit in the submissions of the learned counsel for the petitioner. However, since the Statutory Authority has issued a notice, it is appropriate that the petitioner to appear before him and make all his submissions. The RDO/first respondent has to apply her independent mind to the issue before her and she may not out source her authority to decide the issue which only she ought to decide in law. She is also required to take cognizance of the civil litigations referred to by the petitioner while deciding the issue.

7.The Writ Petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

Tsg

To

1. The Revenue Divisional Officer,  
Tiruthani.

2. The Thasildar,  
Tiruthani.

+1cc to Mr.L.Chandrakumar, Advocate, S.R.No.12399.

MG(CO)  
CSR 30.03.2021

Order made in  
W.P.No.1489 of 2021