

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2021

CORAM : JUSTICE N.SESHASAYEE

W.P.No.8367 of 2021

R.Damodaran

... Petitioner

Vs.

1. The District Collector,
Collectorate Buildings,
Tirupathur District.
2. The Revenue Divisional Officer,
RDO Office,
Vaniyambadi,
Tirupathur District.
3. The Tahsildar,
Taluk Office,
Ambur Taluk,
Tirupathur District.
4. The Revenue Inspector,
Ambur Taluk,
Tirupathur District.
5. The Village Administrative Officer,
Kuttakandoor Village,
Mittalam Post,
Ambur Taluk,
Tirupathur District.

6. Murugesan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the third respondent to consider and dispose of the petitioner's representation dated 13.02.2021 requesting to cancel patta issued in favour of the 6th respondent for having obtained the same by playing fraud, within the time frame to be fixed by this Court.

For Petitioner : Ms.S.P.Arthi
For Respondents : Mr.E.Balamurugan
Special Government Pleader

ORDER

The petitioner has approached the District Collector with his representation dated 13.0.2021, to cancel the patta issued in favour of the sixth respondent.

2. Mr.E.Balamurugan, learned Special Government Pleader takes notice for respondents 1 to 5, and made a statement on instructions that the Collector has forwarded the papers to the Revenue Divisional Officer concerned, since he is the authority to decide the issue. He further added that the petitioner has filed only a representation, when he ought to have filed the same in the form of appeal. He added that the Revenue Divisional Officer would still be holding an enquiry at 3.00 p.m., on 21.05.2021 at his office, and that the Revenue Divisional Officer requires that an appeal be preferred.

3. A citizen in search of a remedy only need to approach the authority, and the window is only open to express his grievance. No procedure that inasmuch as presentation of an appeal in a certain form has ever been brought to the notice of the Court, and this Court is only constrained to direct the Revenue Divisional Officer to treat the representation of the petitioner as an appeal, or if he is so given that he insists that an appeal be filed, and decide the schedule as he himself is devised.

4. In view of the above, no further direction is required to be given except that the Revenue Divisional Officer, Vaniyambadi is directed to hold an enquiry after issuing notices to all the parties who are likely to be affected by his decision, and after providing the parties a fair and effective hearing and to dispose of the matter through a speaking order within a period of sixteen (16) weeks (after the conclusion of the General Election of the Tamil Nadu State Legislative Assembly, 2021) from 21.05.2021.

5. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

DS

To:

1. The District Collector,
Collectorate Buildings,
Tirupathur District.
2. The Revenue Divisional Officer,
RDO Office,
Vaniyambadi,
Tirupathur District.
3. The Tahsildar,
Taluk Office,
Ambur Taluk,
Tirupathur District.
4. The Revenue Inspector,
Ambur Taluk,
Tirupathur District.
5. The Village Administrative Officer,
Kuttakandoor Village,
Mittalam Post,
Ambur Taluk,
Tirupathur District.

+1cc to Ms.S.P.Arthi, Advocate, S.R.No.21857
+1cc to the Government Pleader, S.R.No.21932

W.P.No.8367 of 2021

PCH(CO)
TE (27/04/2021)

सत्यमेव जयते

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