IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2021

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THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

W.P. No.7074 of 2020

D. Balakumaran ...Petitioner

Vs

The Tahsildar,
Office of the Taluk Office,
Thiruthuraipoondi,
Thiruvarur District ...Respondent

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of certiorarified Mandamus, to call for the records in Mu.Mu.853/2019/A5 dated 13.01.2020 of the respondent and quash the same and consequently direct the respondent to make necessary entries in the revenue and village records pursuant to the patta issued by the respondent in Patta No922 in patta proceedings dated 02.12.2009.

For petitioner ... Mr. G.Krishnakumar
For respondent ... Mr. Yogesh Kannadasan, Government Advocate

ORDER

Challenging the order passed by the respondent, the present writ petition has been filed.

2. According to the petitioner, earlier, on the application filed by him, for granting of patta in respect of Survey No.147/7, Dheevammapuram Village, Thiruthuraipoondi Taluk, Thiruvarur District, the respondent/ Tahsildar, had granted patta in favour of the petitioner and the patta, which stands in the name of G.Subramania Achari, was cancelled. Challenging the said order, G.Subramania Achari filed an appeal before the Revenue Divisional Officer. The Revenue Divisional Officer, in and by his proceedings dated 07.04.2005, reversed the order passed by the Tahsildar and granted patta in favour of the said G.Subramania Achari. Challenging the same, the petitioner has filed a revision petition before the District Revenue Officer, Thiruvarur, and the District Revenue Officer, Thiruvarur, by an order dated 06.11.2009 set-aside the order of the Revenue Divisional Officer and directed the respondent to issue patta in favour of the petitioner, in the meantime, the

said G.Subramania Achari died. When the petitioner approached the respondent seeking patta, it was not considered stating that, legal heirs of the said Subramania Achari approached this Court and this Court directed them to file necessary application before the concerned authorities and it is not known as to whether they have approached the District Revenue Officer. Hence, the respondent directed the petitioner to approach the District Revenue Officer. Now, challenging the same, the present writ petition as been filed.

3. The learned counsel for the petitioner would submit that the District Revenue Officer passed an order in favour of the petitioner as early as on 06.11.2009, Pursuant to the same, the petitioner is seeking patta in his favour, so far as the writ petition filed by the Legal Heirs of the Subramania Achari, no notice was issued to the petitioner and the petitioner was not aware of the same. Hence, the petitioner need not approach the District Reveue Officer.

4. I have heard the counsel appearing for the respondent and considered the submissions made on either side and perused the materials available on records carefully.

5. From the perusal of the records, it could be seen that the District Revenue Officer, Thiruvarur, has passed an order in favour of the petitioner, Subsequently, challenging the said order, the legal heirs of the said Subramania Achari approached this Court in W.P.No.74/2010, in which, the petitioner herein was also party and he has also represented through a counsel. This Court, after hearing the parties, disposed the writ petition on 24.07.2018. The relevant portion of the order reads as follows :-

> "2. when the matter was taken up for consideration, the learned counsel for the petitioners, on instructions, submitted that the said G.Subramania Achari is no more and hence, the writ petition may be closed with liberty to the legal heirs of hte deceased petitioner to approach the authority concerned with a fresh representation enclosing all the relevant documents with regard to the claim made in this writ petition.
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> 3. In view of the submission so made by the learned counsel for the petitioners, liberty is granted and this writ petition stands closed. No costs. Consequently, connected miscellaneous petition is also closed. "

6. Earlier when the matter was taken up for hearing, this court directed the Government Advocate to verify as to

whether any petition has been filed by the legal heirs of the Subramania Achari before the District Revenue Officer, Tiruvarur.

7. Today, the learned Government Advocate, on instructions, would submit that the legal heirs of the Subramania Achari approached the District Revenue Officer and filed an application on 09.09.2019 and the same is pending with him.

8. Considering the above facts and circumstances and also taking note of the fact that pursuant to the order passed by this Court, the legal heirs of the Subramania Achari approached the District Revenue Officer, and their application is pending with the District Revenue Officer, this Court is of the view that it is suffice to direct the District Revenue Officer, Thiruvarur, to consider the application filed by the legal heirs of the Subramania Achari.

9. Accordingly, the District Revenue Officer, Thiruvarur is directed to consider the application filed by the legal heirs of the Subramania Achari and pass suitable orders, on merits and in accordance with law, after giving opportunity to the petitioner as well as the legal heirs of the Subramania Achari, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

10. With the above directions, this Writ Petition is disposed of. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

mrp
To

1. The Tahsildar,
   Office of the Taluk Office,
   Thiruthuraipoondi,
   Thiruvarur District

2. The District Revenue Officer,
   Thiruvarur

W.P. No.7074 of 2020

JPL(CO)
SP(10/08/2021)