



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN
W.P.No.10958 of 2021

P.R.Subramanian,
S/o.Periyakaruppan

... Petitioner

Vs.

1. The Commissioner of Land
Administration,
Ezhilagam, Chepauk,
Chennai-600 005.
2. The District Revenue Officer,
Sivagangai District,
Sivagangai.
3. The Revenue Divisional Officer,
Devakottai.
4. The Commissioner,
Karaikudi Municipality,
Karaikudi,
Sivagangai District.

.. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, by calling for the records relating to the 1st respondent's impugned proceeding No.K4/10205/2020, dated 12.11.2020 and quash the same as illegal and consequentially direct the 1st respondent to pass final orders in the petitioner's Revision Petition dated 17.06.2020.

For Petitioner : Mr.R.Subburaj

For Respondents : Mr.K.M.D.Muhilan,
Government Advocate, for R1 to R3
Mr.Karthikai Balan, for R4

O R D E R

(The case has been heard through video conference)

The Writ Petition has been filed challenging the order



passed by the 1st respondent refusing to entertain the second revision petition filed by the petitioner.

2. Against the order passed by the 3rd respondent dated 26.11.2015 granting patta in favour of the petitioner, the 4th respondent Municipality filed an appeal before the 2nd respondent /District Revenue Officer. The 2nd respondent, in and by his proceedings dated 27.05.2020, allowed the revision and thereby, cancelled the patta, granted in favour of the petitioner. Challenging the same, the petitioner had filed a second revision before the first respondent. Now, the first respondent refused to entertain the revision on the ground that as per G.O.Ms.No.409, the second revision is not maintainable. Now, challenging the same, the present writ petition has been filed.

3. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

4. As per G.O.Ms.No.409 Revenue SS 1(2) Department, dated 02.07.2008, the powers of the Commissioner of Land Administration with respect to second revision has been withdrawn in respect of Revenue Standing Order 31.8(A). Considering the above Government Order, a Division Bench of this Court in the case of The District Revenue Officer and others / vs/ Padmanabhan reported in 2012(1) MLJ 232 has held that the second revision shall not lie with the first respondent. The relevant portion of the order reads as follows:-

"24. At this stage, it is not out of place for this Court to make a mention that as per G.O.Ms.No.409, Revenue SSI(2) Department, dated 02.07.2008, the power of the second revision vested with the Special Commissioner and Commissioner of land Administration regarding transfer of registry cases in terms of R.S.O.31.8 (A) was withdrawn and he was directed to return the papers with a direction to the parties to approach the competent Court of Law, except in respect of on going enquiries. The officer of the Principal Secretary and Commissioner of Land Administration Reforms, Chennai, in turn, issued a circular dated 14.07.2008 to the collectors and District Revenue Officers, clarifying that only in respect of Appeal/Revision filed under transfer of registry under Revenue Standing Order 31 can be returned to the parties to approach the competent Court of law in terms of G.O.Ms.No.4-9, Revenue SSI(2) Department, dated 02.07.2008 and in respect of other cases, the second revision lies with the



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Special Commissioner and Commissioner of Land Administration as existing now. The said Government Order as well as the circular point out that in respect of transfer of registry cases, the second revision shall not lie with the Special Commissioner and Commissioner of Land Administration, and except on going enquiries, other papers may be returned back to the parties with a direction to approach the competent Court of law".

5. In view of the same, as the second revision is not maintainable before the first respondent/Commissioner of Land Administration, the first respondent rightly rejected the revision and I find no error in the order passed by the first respondent and hence, the writ petition is liable to be dismissed.

6. Accordingly, the writ petition is dismissed. However, liberty is given to the petitioner, to seek remedy as against the order passed by the 2nd respondent/District Revenue Officer, in the manner known to law. No costs.

Sd/-
Assistant Registrar(CCC)

// True Copy//

Sub Assistant Registrar

mrp

To

1. The Commissioner of Land
Administration,
Ezhilagam, Chepauk,
Chennai-600 005.
2. The District Revenue Officer,
Sivagangai District,
Sivagangai.
3. The Revenue Divisional Officer,
Devakottai.



4. The Commissioner,
Karaikudi Municipality,
Karaikudi,
Sivagangai District.

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PCH(CO)
SU(09/08/2021)