



Rev.Aplw.No.161 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2021

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

REV.APLW.161 of 2021 in
W.P.No.24012 of 2018

R.Govindsamy

... Petitioner

-VS-

1. The Revenue Divisional Officer
Revenue Divisional Office
Thiruvananthapuram District.

2. The Tahsildar
Thandampattu Taluk
Thiruvananthapuram District.

3. The District Collector,
Thiruvananthapuram District.

... Respondents

PRAYER : Review Application filed under Section 114 of CPC of the Constitution of India, praying to allow the review application by setting aside the order dated 19.07.2021 in W.P.No.24012 of 2018 and to allow the said Writ petition as prayed for.

For Petitioner : Mr.N.Muthu Krishnan

For Respondents : Mrs.V.Yamunadevi

Special Government Pleader



WEB COPY

Divisional Officer rejecting the grant of separate patta to and in favour of the petitioner through the impugned order for the said 1.26 Acres of land therefore this Court is inclined to pass the following order.

- *That the impugned order is sustainable and therefore the petitioner cannot successfully challenge the same. Accordingly, the impugned order is confirmed for the time being. Therefore, on that account, the writ petition is liable to be rejected.*
- *However, it is open to the petitioner to make an objection / representation to the Commissioner of Land Administration, Chennai to redress his grievance as against the classification of the 1.26 Acres of land in the said Survey No.54/2B referred to above as Natham Pramboke or Street Proamboke, where several public utility services have been promoted, knowing well that the said land of 1.26 Acres also belong to the petitioner, as the title over the property in respect of the said land having been accepted by the Revenue Authorities even in the impugned order, the said issue can very well be agitated as indicated above.*
- *Once such objection or representation is made to the Land Commissioner, Chennai, he shall consider and decide the same on merits and in accordance with law after giving an opportunity of being heard to the*



petitioner and pass orders within a period of three months thereafter.

23. With these direction, this writ petition is dismissed.”

4. Now the learned counsel appearing for the review petitioner submits that, in the first part of the operative portion of the order referred to above, it is stated that, the impugned order, since it was sustainable, it was confirmed for the time being. Therefore on that ground, the writ petition was liable to be rejected and accordingly rejected.

5. This Court though observed in paragraph 22 itself i.e., in the operative portion of the order by giving a direction to the petitioner to approach the Commissioner of Land Administration, even if the petitioner approaches the Commissioner of Land Administration, the observation made in the first part of the impugned order, to that extent, that the impugned order is sustainable therefore it is confirmed, should not stand in the way of the grounds to be raised by the petitioner before the Land Administration Commissioner as directed in the second portion of the order, therefore, that position has to be clarified.



Rev.Aplw.No.161 of 2021

6. Having regard to the said submissions made by the learned counsel for the petitioner as well as having heard Mrs.V.Yamunadevi, learned Special Government Pleader for respondents, the following clarification is given in this review application.

7. Without influenced by the 1st portion of the order in paragraph 22 of the order sought to be reviewed, the Commissioner for Land Administration shall consider the appeal / representation to be made by the petitioner and in such a case it is open to the Commissioner for land administration to independently decide such appeal or representation to be made in this regard by the petitioner and decide the same by taking into account, the discussion and observation made in the full text of the order dated 19.07.2021.

8. With these clarifications, this Review Application is disposed of. No costs.

06.12.2021

Index: Yes / No
Speaking Order: Yes / No
rap/mp



WEB COPY



Rev.Aplw.No.161 of 2021

R. SURESH KUMAR, J.

rap/mp

To

1. The Revenue Divisional Officer
Revenue Divisional Office
Thiruvananthapuram District.
2. The Tahsildar
Thandampattu Taluk
Thiruvananthapuram District.
3. The District Collector,
Thiruvananthapuram District.

**REV.APLW.161 of 2021
in W.P.No.24012 of 2018**

06.12.2021