



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.11904 of 2021

P.Rajagopal

... Petitioner

Vs.

1.The District Revenue Officer,
Theni District, Theni.

2.The Revenue Divisional Officer,
Uthamapalayam Division,
Uthamapalayam,
Theni District.

3.J.R.Venkatesh,
Manager,
Global Investment One Development Private Limited,
NO.45, Rootland Towers 4th Floor,
Saffi Mohammed Street,
Nungambakkam, Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order bearing Mu.Mu.No. 25026/2019/D4, dated 21-05-2021, on the file of the 1st Respondent and quash the same as illegal and consequently, directing the 1st respondent to take the petitioner's appeal on file and dispose the same within a stipulated period.

For Petitioner : Mr.P.Muthuvijayapandian
For R-1 & R-2 : Mr.R.Suresh Kumar
Government Advocate

ORDER

This Writ Petition has been filed against the impugned proceedings of the first respondent dated 21.05.2021.

2. Heard P.Muthuvijayapandian, learned counsel appearing for the petitioner and Mr.R.Suresh Kumar, learned Government Advocate appearing for the respondents 1 and 2.

3. The petitioner had filed a Revision Petition before the first respondent aggrieved by the grant of patta in favour of the third respondent. This Revision Petition has been dismissed only on the ground that it has not been filed within time.

4. In the considered view of this Court, it will be more appropriate for the first respondent to decide the issue on merits



by affording opportunity to the petitioner and the third respondent. Once it is decided on merits, the parties will know where they are stand and they can work out their remedy accordingly.

5. In view of the above, the impugned proceedings of the first respondent, dated 21.05.2021, is hereby quashed. The matter is remanded back to the file of the first respondent and the first respondent is directed to issue notice to the petitioner and the third respondent and thereafter, conduct an enquiry and pass final orders strictly on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

6. This Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

NOTE:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Revenue Officer,
Theni District, Theni.

2.The Revenue Divisional Officer,
Uthamapalayam Division,
Uthamapalayam, Theni District.

+1 CC to M/s.P.MUTHU VIJAY PANDIAN, Advocate (SR-22888[F] dated 16/07/2021)

+1 CC to M/s.SPL GP (SR-22938[F] dated 16/07/2021)

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RK (27.07.2021) 2P 5C