



WEB COPY

W.A.(MD) No.1513 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.A. (MD) No.1513 of 2021

and

C.M.P (MD) No.6210 and 6212 of 2021

Syed Ameer Ali

... Appellant/5th Respondent

Vs.

1.Saraswathi ammal

... 1st Respondent/Petitioner

2.The Additional District Magistrate
Cum the District Revenue Officer,
Office of District Revenue Officer,
Ramanathapuram.

3.The Sub Collector,
Cum the Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Ramanathapuram.

4.The Tahsildar,
Ramanathapuram Taluk,
Ramanathapuram District.

5.Padmavathi ammal ... Respondents 2 to 5/Respondents 1 to 4

PRAYER: Appeal under Clause 15 of the Letters Patent Act, against the order dated 20.04.2021 in W.P(MD)No.8198 of 2021.

Prayer in WP(MD). 8198/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus to direct the 3rd respondent to issue patta in Survey No.144/1 located at Servaikaran Urani Village in Atrangarai Group at Ramanathapuram Dt, in favour of petitioner as per the Decree of the Learned District Munsif at Rameswaram in O.S.No.112 of 2010, dt 22.12.2010 within a stipulated time prescribed by this Honble Court and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Appellant

: Mr.J.Barathan

For 1st Respondent

: Mr.S.A.S.Alabudeen

For Respondents

: Mr.B.Saravanan

2 to 4

Government Advocate

<https://hcservices.ecourts.gov.in/hcservices/>



JUDGMENT

[Judgment of the Court was delivered by ***The Hon'ble Chief Justice***]

The short case made out by the appellant is that the Writ Court should not have interfered in the matter since it was open to the writ petitioner to carry the order dated 26.08.2020 passed by the third respondent by way of revision before the District Revenue Officer.

2.The appellant says that though the appellant was impleaded as the fifth respondent to the writ petition, no previous notice was issued and the order impugned dated April 20, 2021 was passed.

3.There appears to be a raging dispute between the writ petitioner and the appellant herein. Such dispute was considered by the Tahsildar, who passed an order in favour of the writ petitioner but upon the appellant carrying an appeal before the Revenue Divisional Officer, the Tahsildar's order was set aside. In effect, the writ petition was filed to negate the order passed by the Revenue Divisional Officer though the writ petitioner could have challenged the relevant order by way of a revision before the District Revenue Officer under Section 13 of the Tamil Nadu Patta Passbook Act.

4.Accordingly, the order impugned dated April 20, 2021 is set aside and WP(MD) No.8198 of 2021 is dismissed with liberty to the writ petitioner to challenge the order dated August 26, 2020 passed by the Revenue Divisional Officer by way of revision to the District Revenue Officer. It is also clarified that in the event such revision is preferred within four weeks from date, the point of limitation will not be taken by the appellant so that the matter can be heard on merits.

5.It is needless to say that if the relevant revision is filed, the same will be taken up upon due notice to the appellant herein.

5.W.A.(MD) No.1513 of 2021 is disposed of as above. C.M.P.(MD) Nos. 6210 and 6212 of 2021 are closed. There will be no order as to costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mnr/lr



Note: In view of the present lockdown 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 Additional District Magistrate
Cum the District Revenue Officer,
Office of District Revenue Officer,
Ramanathapuram.

2.The Sub Collector,
Cum the Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Ramanathapuram.

3.The Tahsildar,
Ramanathapuram Taluk,
Ramanathapuram District.

+1 CC to M/s.T.R.JEYAPALAM, Advocate (SR-32673[F] dated 26/10/2021)

+1 CC to M/s.SPL.GP (SR-32843[F] dated 27/10/2021)

W.A. (MD) No.1513 of 2021

and

C.M.P (MD) No.6210 and 6212 of 2021

25.10.2021

NSN (CO)

RS/UV (02.11.2021) 3P 6C