BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2021

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.13747 of 2021
and
W.M.P(MD) Nos.10684 and 10686 of 2021

K.Saravanakumar ... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Madurai Division,
Madurai-20.

3.The Tashildar,
Madurai West Taluk,
Madurai District.

4.S.R.Rajkumar ...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records in Pa.Mu.No.597/2021/B, dated 29.07.2021 on the file of Revenue Divisional Officer, Madurai District Division and quash the same.

For Petitioner : Mr.J.Gunaseelanmuthiah

For R-1 to R-3 : Mr.P.Subbaraj
Counsel for State

For R4 Mr.T.Lajapathi Roy

ORDER

The petitioner assails an order dated 29.07.2021 of the Revenue Divisional Officer, Madurai.

2. The petitioner traces title to the property bearing Survey Nos.61/1, 60/2A, 2B and 63/5A in Sambakudi Village through a settlement deed executed by his grandmother, namely, Karuppayeeammal on 12.09.2001. The petitioner claims that the revenue records were also in his favour. According to the petitioner, his grandmother subsequently purported to cancel the settlement. This was challenged by him in a civil suit which was decreed in his favour. However, his grandmother sold the property which was the subject matter of such settlement to one Velayutham, who, in turn, sold the property to the fourth respondent herein. Thereafter, pursuant to a petition submitted by the fourth respondent to the Revenue Divisional Officer, the impugned order was issued.

3. Mr.P.Subbaraj, learned counsel for the State, appears on behalf of respondents 1 to 3. He submits that a Revision Petition lies against the order passed by the Revenue Divisional Officer under the Tamil Nadu Patta Pass Book Act, 1983. The fourth respondent also raises the same contention. The petitioner asserts that the impugned order was passed without providing a reasonable opportunity. Therefore, it is submitted that notwithstanding the statutory remedy, the Writ Petition is maintainable.

4. On perusal of the impugned order, the petition submitted by the petitioner on 27.07.2020 is one of the document referenced therein. From the order, it appears that the contentions of the petitioner were taken into account. In addition, the dispute is substantially factual as evidenced by the grounds raised in the writ petition. The availability of a statutory remedy should be examined in this context. Section 13 of the Tamil Nadu Patta Pass Book Act, 1983 provides for a revision against the order of the jurisdictional Revenue Divisional Officer. In fact, the Rules framed under the Tamil Nadu Patta Pass Book Act, 1983 even enable the condonation of delay in respect of the filing of a Revision Petition by the jurisdictional District Revenue Officer. Therefore, no case is made out to entertain the writ petition in view of the statutory remedy. However, at the time of admission, an interim order was granted restraining the contesting parties from alienating, encumbering or otherwise dealing with the property bearing Nos.61/1, 60/2A, 2B and 63/5B. Such interim order shall operate against both the contesting parties until the Revision Petition is heard.

5. For reasons set out above, W.P(MD) No.13747 of 2021 is disposed of without any order as to costs by permitting the petitioner to file a Revision Petition before the jurisdictional District Revenue Officer. If such Revision Petition is filed

within a period of two (2) weeks from the date of receipt of a copy of this order, the jurisdictional District Revenue Officer is directed to receive such petition without going into the question of limitation and dispose of the same on merits after providing a reasonable opportunity to the petitioner, the fourth respondent herein and any other necessary party thereto. Upon receipt of the Revision Petition from the petitioner, the jurisdictional District Revenue Officer is directed to dispose of such Revision Petition by a reasoned order within a period of three (3) months from the date of receipt of such Revision Petition. As indicated above, both the petitioner and the fourth respondent are restraining from dealing with the property which was the subject matter of this writ petition until the matter is heard and disposed of by the jurisdictional District Revenue Officer. Consequently, W.M.P(MD).Nos.10684 and 10686 of 2021 are closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Collector,
Madurai District, Madurai.

2.The Revenue Divisional Officer,
Madurai Division,Madurai-20.

3.The Tashildar,
Madurai West Taluk, Madurai District.

+1 CC to M/s.SPL.GP (SR-32586[F] dated 26/10/2021)
+1 CC to M/s.J. GUNASEELANMUTHIAH, Advocate(SR-32745[F] dated 26/10/2021)
+1 CC to M/s.T.LAJAPATHI ROY, Advocate(SR-32522[F]dated 26/10/2021)

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