



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.17073 of 2021

and

W.M.P(MD) .No.14006 of 2021

Sivanandi Thevar

... Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.

2.The Sub Collector Cum Revenue Divisional Officer,
Theni at Periyakulam,
Theni District.

3.The Tahsildar,
Periyakulam,
Theni District.

4.The Zonal Deputy Tahsildar,
Periyakulam, Theni District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the second respondent vide his proceedings in Na.Ka.No.2787/2020/A3 dated 20.07.2021 and quash the same and further directing the respondents to issue patta to the petitioner for the land comprised in Survey No.736/1B to an extent of 13.05 Acres situated at Pinnathevanpatti, Vadaveeranayackanpatti Village, Theni Sub Division, Theni District.

For Petitioner : Mr.A.Jayaramachandran

For Respondents : Mr.P.Subbaraj,
Counsel for State.

ORDER

The petitioner challenges an order dated 20.07.2021 of the Revenue Divisional Officer by which his request for patta in respect



of the land bearing Survey No.736/1B of an extent of 13.05 Acres at Pinnathevanpatti, Vadaveeranayackanpatti Village, Theni Sub Division, Theni District was refused.

2. The petitioner asserts that the above mentioned land was allotted to him in lieu of the Government acquiring the land which was originally owned by him in connection with the construction of the Vaigai Dam. The petitioner states that the fourth respondent subsequently issued a D.K.T. patta in his name pursuant to proceedings dated 15.05.1995. According to the petitioner, he is in possession and enjoyment of the relevant property since the date of allotment.

3. The petitioner states that he submitted several representations seeking issuance of patta and, in fact, filed W.P. (MD).No.8726 of 2020 in this connection. The said Writ Petition was disposed of with a direction to consider his representation and dispose of the same within the time frame specified in such order. Pursuant thereto, it appears that the second respondent issued the impugned order dated 20.07.2021, whereby the request for patta was rejected. By this Writ Petition, the Writ Petitioner assails the said order.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the impugned order does not contain any infirmity inasmuch as the Revenue Divisional Officer concluded that the relevant land had not been allotted to the petitioner. He further submits that the petitioner should avail of the statutory remedy by way of filing a revision before the jurisdictional District Revenue Officer.

5. Upon perusal of the impugned order dated 20.07.2021, it is evident that the contentions of the petitioner were considered before such order was passed. Therefore, the said order was issued after providing a reasonable opportunity to the petitioner. As such, the petitioner is assailing the merits of the decision as opposed to the decision making process. In judicial review, this Court does not sit in appeal over the decision of the Revenue Divisional Officer. In fact, the petitioner is entitled to file a Revision Petition against this order before the jurisdictional District Revenue Officer. In these facts and circumstances, there is little reason to interfere with the impugned order in exercise of extraordinary jurisdiction under the Article 226 of the Constitution.

6. For the reasons stated above, W.P.(MD).No.17073 of 2021 is disposed of without any order as to costs by leaving it open to the petitioner to file a Revision Petition before the jurisdictional District Revenue Officer in accordance with law. 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 consider and dispose of such petition on merits and in accordance with law within a period of three (3) months from the date of receipt of such Revision Petition. Consequently, W.M.P(MD).No.14006 of 2021 stands closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/nsr

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,
Theni District,
Theni.

2.The Sub Collector Cum Revenue Divisional Officer,
Theni at Periyakulam,
Theni District.

3.The Tahsildar,
Periyakulam,
Theni District.

4.The Zonal Deputy Tahsildar,
Periyakulam,
Theni District.

+1 CC to M/s.A.JAYARAMACHANDRAN, Advocate (SR-30180[F] dated 24/09/2021)

+1 CC to M/s.SPL. GP (SR-30131[F] dated 24/09/2021)

W.P (MD) No.17073 of 2021
23.09.2021

RK (01.10.2021) 3P 7C

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