



WEB COPY

W.P(MD)No.4146 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2021

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P(MD)No.4146 of 2016

and

W.M.P(MD).Nos.3719 of 2016 and 23601 of 2019

(Through Video Conference)

- 1.Perichiappan @ Sethu
- 2.Karuppaiah (died)
- 3.Annamalai (died)
- 4.Alagappan
- 5.Perichiappan (died)
- 6.Kannappan

.. Petitioners

Vs.

1. The Revenue Divisional Officer,
Devakottai.

- 2.PL.Murugappan,
Trustee, Ayiratheeswarar Soundara Nayagi Aman Koil,
O.Siruvayal, Karaikudi Taluk,
Sivaganga District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for the records relating to the impugned order of the 1st respondent dated 29.11.2015 in W.P. No. 1/824/2014 served on 04.02.2016 and quash the same.

For Petitioners : Mr.R.Sundar Srinivasan

For Respondent No.1 : Mr.M.Lingadurai
Government Advocate

For Respondent No.2 : Mr.AN.Ramanathan

ORDER

This writ petition has been filed challenging the impugned proceedings of the first respondent dated 29.11.2015 wherein the first respondent has directed the cancellation of the patta with respect to the Nandavanam portion that was granted to the Pillayar Kovil and to issue the patta in favour of the Sivan Kovil.

2. The writ petition was filed before this Court mainly on the ground that the first respondent lacks jurisdiction to pass such an order. That apart, the petitioner had also raised various grounds on the merits of the case.

3. Heard Mr.R.Sundar Srinivasan, learned counsel appearing for the petitioner, Mr.M.Lingadurai, learned Government Advocate



appearing for the first respondent and Mr.AN.Ramanathan, learned counsel appearing for the second respondent.

4. The writ petition was entertained by this Court since the jurisdiction of the first respondent was under question. In the absence of the same, the petitioner should have only filed a revision/appeal before the District Revenue Officer as provided in the impugned order dated 29.11.2015 passed by the first respondent.

5. It is clear from G.O.Ms.No.693, dated 24.07.1997 that the first respondent has jurisdiction to pass the order and therefore it cannot be held that the first respondent lacks jurisdiction.

6. Apart from the above issue, what will be left is only to consider the case on merits based on the issues raised on either side. This exercise should be necessarily carried out only before the District Revenue Officer, who has been conferred with an appellate/revisional jurisdiction. This Court does not want to undertake this exercise in exercise of its jurisdiction under Article 226 of the Constitution of India.

7. In view of the above, there shall be a direction to the petitioner to file an appeal before the District Revenue Officer within a period of two(2) weeks from the date of receipt of a copy of this order. The concerned District Revenue Officer shall issue notice to the petitioner and the second respondent and conduct an enquiry and pass final orders on its own merits and in accordance with law within a period of six weeks thereafter. Till final orders are passed by the District Revenue Officer, the present status shall be maintained in the revenue records since the interim stay granted by this Court has been in force from the year 2016 onwards.

8. This writ petition is disposed of with the above direction. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

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

The Revenue Divisional Officer,
Devakottai.

WEB COPY

+1 CC to MR.AN.RAMANATHAN, Advocate (SR-22436[F] dated 14/07/2021)

+1 CC to MR.R.SUNDAR SRINIVASAN, Advocate (SR-22430[F] dated
14/07/2021)

+1 CC to M/s.SPL GP (SR-22542[F] dated 14/07/2021)

W.P (MD) No. 4146 of 2016

13.07.2021

MGJ(02.08.2021) 3P 5C