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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2022

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.3953 of 2022

and

W.M.P. Nos.4095 and 4096 of 2022

T.S.M.Jain College of Technology,
Rep. By its Chairman
Mr.T. Manohar Kumar Surana

.... Petitioner

Versus

1. District Revenue Officer,
Officer of the Collectorate,
Kallakurichi District.
2. The Sub-Collector,
Officer of the Collectorate,
Kachrapalayam Road,
Kallakurichi,
Kallakurichi District.
3. The Tahsildar,
Officer of the Collectorate,
Kallakurichi,
Kallakurichi District.
4. Arivarasan

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorari calling for the records of the 1st respondent relating to the impugned order passed vide Pa.Mu.A2/3819/2019, dated 05.01.2022 and quash the same as illegal, incompetent and unconstitutional.

For Petitioner : Mr.P.H. Aravind Pandia
Senior Counsel
for Karthikeyan Anbazhagan

For Respondents : Mr.T. Chezhiyan
Addl. Govt. Pleader



ORDER

Petitioner has come with this writ petition to quash the impugned order passed vide Pa.Mu.A2/3819/2019, dated 05.01.2022 passed by the 1st respondent.

2. It is the case of the petitioner that the college was founded by an eminent educationist and philanthropist and the college is affiliated to Anna University and the said college purchased lands from various persons comprised in Survey Nos.131/1, 2, 3, 4A, 133/1A, 1C1, 2, 134/2A, 2B and Survey Nos.135/1, 135/2, 135/3, 135/4, 135/6, 1357 and 135/8 in Melur Village of Kallakurichi district. While so, on the basis of the complaint lodged by the 4th respondent, the 1st respondent hurriedly conducted adjudication and without giving opportunity to the petitioner and without considering the objections raised by the petitioner in respect of patta for the lands purchased by the petitioner college, issued the impugned order. It is averred that the documents relied upon by the respondents have not been disclosed to the petitioner and before issuance of the impugned order, the 2nd respondent passed a fleeting order dated 25.03.2018 cancelling the assignment patta, which is against the petitioner. Subsequently an appeal has been preferred by the petitioner before the 1st respondent and further writ petition in W.P. No.13554 of 2019 has also been filed for disposal of the appeal. While so, the 1st respondent passed an order dated 05.01.2022 upholding the said order passed by the 2nd respondent. Challenging the said impugned order dated 05.01.2022, this writ petition has been filed.

3. Mr.P.H.Aravind Pandian, learned Senior Counsel appearing for the petitioner submitted that the petitioner college purchased the aforementioned property before 30 years. He further submitted that all of a sudden at the instigation of the 4th respondent, the present impugned order has been passed by the 1st respondent to implement the order of the 2nd respondent. Since there is an effective alternative remedy available, which inadvertently, the petitioner has not exhausted, learned senior counsel prays for an order of status quo so that the petitioner may pursue the effective alternative remedy available before the Commissioner of Land Administration.

4. Mr.T. Chezhiyan, learned Additional Government Pleader appearing for the respondents has no objection for issuance of the relief as prayed for by the learned Senior Counsel for the petitioner.

5. Heard the learned counsel on both sides and perused the materials placed on record.



6. It is evident from a perusal of the records that the 4th respondent has made allegation that the conditional assignment patta granted in favour of the persons were alienated. However, it is alleged that by violating the principles of natural justice, at the instigation of the 4th respondent, the 1st respondent passed the impugned order. However, it is fairly accepted by the learned counsel on either side that an effective revisional remedy available to the petitioner before the Commissioner of Land Administration. Without availing such remedy, the petitioner has hurriedly come before this Court. In such circumstances, this Court without going into the merits of the case, while granting status quo for a period of four weeks from the date of receipt of a copy of this order, further grants liberty to the the petitioner to file appropriate revision petition before the Commissioner of Land Administration within the aforementioned period. If such revision is filed within the stipulated period, the Commissioner of Land Administration shall entertain the revision and pass appropriate orders on merits and in accordance with law as expeditiously as possible.

7. With the aforesaid directions, this writ petition is disposed of. Further, liberty is granted to the petitioner to produce necessary documents before the Commissioner of Land Administration at the time of hearing the revision. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vsi2

To

1. The District Revenue Officer,
Officer of the Collectorate,
Kallakurichi District.
2. The Sub-Collector,
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Kallakurichi District.



3. The Tahsildar,
Officer of the Collectorate,
Kallakurichi,
Kallakurichi District.

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Copy to:

The Section Officer,
E.R. Section,
High Court, Madras.

+1cc to Mr.Karthikeyan Anbazhagan, Advocate, S.R.No.12086

+1cc to the Government Pleader, S.R.No.12312

W.P. No.3953 of 2022

AK-II (CO)
SU(01/03/2022)