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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.4716 of 2022

and

W.M.P.Nos.4831 and 4832 of 2022

J.R.V and M.M.S. Educational Trust
Rep by its Managing Trustee
T.Rahamathulla,
Muruga Polytechnic,
Melur Village, Kallakurichi-606 201,
Kallakurichi District.

... Petitioner

Vs.

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

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a 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.Karthikeyan Anbazhagan

For Respondents : Mr.M.Murali
Government Advocate



O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Certiorari, to call 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.

2. The learned Government Advocate takes notice for the official respondents. Since no adverse order is being passed against the private respondent, notice to the private respondent is dispensed with.

3. The case of the petitioner is that the petitioner/Trust is established by a Public Charitable Trust in the Name and style of "J.R.V and M.M.S Educational Trust" for the purpose of imparting quality education to children and adolescents. The said Trust has purchased lands from various persons comprised in Survey Nos.127/1B2, 127/1B3 and 130/1A2 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 considering the objections raised by the petitioner in respect of Patta for the lands purchased by the petitioner/Trust, passed 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 25.03.2019 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.12838 of 2019 has also been filed for disposal of the appeal. While so, the 1st respondent passed an order dated 29.04.2019 upholding the said order passed by the 2nd respondent. Challenging the said impugned order dated 29.04.2019, this writ petition has been filed.

4. The learned counsel for the petitioner submitted that the same order that has been passed by this Court in W.P.No.3953 of 2022, on 23.02.2022, is squarely applicable to the present case. The relevant para is extracted hereunder:

"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



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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 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."

5. Following the aforesaid order, this Writ Petition is disposed and 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, 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

Psa

To

- 1.The 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.

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+1cc to the Government Pleader SR.No.14595

W.P. No.4716 of 2022

CP(CO)
GN(21/03/2022)