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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.05.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.13486 OF 2022

AND

W.M.P.NO.12674 OF 2022

RaandilyachozhanSaminathan

... Petitioner

.Vs.

1. The Tahsildar,
Mayiladuthurai Taluk,
Mayiladuthurai District,
Tamil Nadu - 609 001.
2. The Revenue Divisional Officer,
Mayiladuthurai Taluk,
Mayiladuthurai District,
Tamil Nadu - 609 001.
3. The District Revenue Officer,
Mayiladuthurai Taluk,
Mayiladuthurai District,
Tamil Nadu - 609 001.
4. The Joint Commissioner,
Hindu Religious Endowments,
SambandaSannathi Street,
Sambandarkulam,
Mayiladuthurai Taluk,
Mayiladuthurai District,
Tamil Nadu - 609 003.
5. The Principal Revenue Secretary,
Secretariat Complex,
Chennai - 600 009,
Tamil Nadu.
6. The Land Administration Commissioner,
Chepauk, Chennai - 600 005,
Tamil Nadu.



7. The District Collector,
Mayiladuthurai Taluk,
Mayiladuthurai District,
Tamil Nadu - 609 001.

... Respondents

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PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ in nature of Writ of Certiorarified Mandamus, calling for the records of the 6th respondent in R1/1957374/2022 dated 22.03.2022 and quash the same and direct the 6th respondent to grant patta in favour of the petitioner.

For Petitioner : Mr.T.S.Charles

For R1 to R3, : Mr.M.R.Gokul Krishnan
R5 to R7 Additional Government Pleader

For R4 : Mr.K.Karthikeyan
Government Pleader (HR & CE)

O R D E R

The order dated 22.03.2022 issued by the 6th respondent is under challenge in the present writ petition.

2. The order impugned dated 22.03.2022 states that the petitioner has to approach the competent civil Court in view of the Government Order passed in G.O.Ms.No.409, Revenue SS 1(2) Department, dated 02.07.2008. The said Government Order stipulates that the second revision to the Special Commissioner and Commissioner of Land Administration against the orders passed by the District Revenue Officer, has been withdrawn and the relevant portion of the Government Order is as follows :

"2. For withdrawing the second revision powers on transfer of Registry cases he has cited the judgment pronounced by the Hon'ble High court, Chennai in W.A.No.1342/94 and CMP No.15872/94 dated 26.10.1994, in which he has pointed out that the Revenue forums have no jurisdiction to decide either the right or title of land in patta transfer cases



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and it is for the Civil Courts to decide such issues. As difficulties are experienced in dealing with the Second Revision cases, the Special Commissioner and Commissioner of Land Administration has pointed out that numerous appeals pave the way for issues being dragged endlessly and the Special Commissioner and Commissioner of Land Administration having been over burdened with multifarious issues relating to lands spread over the entire state.

3. The Special Commissioner and Commissioner of Land Administration has suggested draft amendment to the existing R.S.O. para 31.8(A) by way of deletion of the following lines -

"A further revision to the Commissioner of Land Administration can be made within 30 days from the date of receipt of the order and the orders of the Commissioner of Land Administration are final"

4. In the above circumstances, the Government examined the proposal of the Special Commissioner and Commissioner of Land Administration in detail, and decided to accept Amendment to R.S.O. 31.8(A) as mentioned in para 3 above. Accordingly, the Government direct the Special Commissioner and Commissioner of Land Administration that all ongoing enquiries may be carried on to the logical conclusion and orders issued. The Special Commissioner and Commissioner of Land Administration should ensure that in all cases where enquiries are not commenced, they may be returned back, with direction to approach Competent Court of Law."

3. In view of the Government Order, the powers conferred to the Commissioner has been withdrawn based on the judgment of the High Court in W.A.No.1342 of 1994, dated 26.10.1994. Accordingly, the aggrieved persons are permitted to approach the competent civil Court of Law. The impugned order in the present writ petition reveals that the petitioner has also been granted liberty to redress his grievances by approaching the competent civil Court in view of the fact that the Commissioner has no powers to entertain any such representation. As of now, there is no infirmity as such in respect of the order impugned passed. Accordingly, the petitioner is at liberty to approach the competent civil Court of Law for redressal of his grievances.



4. With this liberty, the writ petition stands disposed of.
No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Vacation Officer

//True Copy//

Sub Assistant Registrar

mkn/ab

To

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+1cc to the State Government Pleader, S.R.No.31823
+1cc to the Special Government Pleader, S.R.No.31881

W.P.NO.13486 OF 2022

BP (CO)
PBS/01/06/2022