



W.P.No.25901 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.09.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.25901 of 2022

Mrs. S. Santhi

... Petitioner

Vs.

1. The District Collector,
District Collector Office,
Tiruvannamalai.

2. The Revenue Divisional Officer,
O/o The Revenue Divisional Officer,
Cheyyar, Tiruvannamalai District.

3. The Tahsildar,
O/o The Tahsildar,
Vandavasi,
Tiruvannamalai District.

4. The Commissioner of Land Administration,
Land Administration Commission,
Ezhilagam, Chepauk, Chennai

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the 4th respondent herein to consider to consider and pass orders on Review petition dated 08.08.2022 and issue such further orders or directions.

For Petitioner : M/s. Samanta and Son

For Respondents : Mr.U. Bharanidharan
Additional Government Pleader



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ORDER

By consent of both the parties, the writ petition is taken up for final disposal at the time of admission stage itself.

2. This Writ Petition has been filed seeking for the issuance of Writ of Mandamus, directing the 4th respondent herein to consider to consider and pass orders on Review petition dated 08.08.2022 .

3. The case of the petitioner is that the initially the subject property was purchased by the petitioner's grandfather and the same was registered vide sale deed dated 06.05.1958 vide document No.1799 of 1958. Thereafter, the petitioner's grandfather passed away leaving behind three sons as his legal heirs and the petitioner's father is one of the legal heir. Thereafter the petitioner's father and his two brothers entered into a partition deed in respect of the subject property and petitioner's father was allotted his share and subsequently separate patta was also issued to him. Whiles the third respondent by the proceedings dated 10.02.1984 in Na.Ka.A3/16202/83 stated that the subject land is classified as DC (Depressed Community).



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Challenging the same the petitioner husband filed an appeal before the third respondent and requested to restore the land to its original status and for updation in the UDR. Thereafter the third respondent vide order dated 06.12.2019 in Na.K.aNo.6023/2019 ordered to restore the patta in the name of the petitioner's father and his two brothers. However the said order was not implemented. Aggrieved over the same the petitioner filed a writ petition before this Court in W.P.no.1535 of 2022 and this Court by its order dated disposed of the writ petition with a direction to the second respondent to consider the case of the petitioner and pass orders within a period of twelve weeks from the date of receipt of a copy of the order. Pursuant to which the 3rd respondent vide proceedings dated 22.07.2022 in Na.Ka.A2/633/2020 stated that the order restoring the patta cannot be implemented and further stated that if the petitioner has any grievance he can review the order before the 4th respondent. Subsequent to which the petitioner has also filed a review application and the same is still pending. Hence this petition.

4. The learned Additional Government Pleader would submit that the petitioner has filed the Review Application before the 4th Respondent who is not the competent authority to proceed the matter. He further submits with regard to this issue the petitioner ought to have filed the Review petition



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before the Concerned District Revenue Officer in terms of G.O.No.385 of 2014 dated 17.08.2004.

5. Heard both sides and perused the materials available on record.

6. In view of the fair submission made by the learned Additional Government Pleader this Court without expressing any opinion on the merits of the case grants liberty to the petitioner to file a Review Application before the Concerned District Revenue Officer in terms of G.O.No.385 dated 17.08.2004 and if any such application is filed the District Revenue Officer is directed to dispose of the same within a period of two weeks from the date of filing of this Review Application.

7. With the above directions this writ petition is disposed of. No order as to costs.

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Index: Yes/ No

Internet: Yes/No

smn



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M.DHANDAPANI,J.

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