

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2022

CORAM

THE HON'BLE MR.JUSTICE PARESH UPADHYAY
AND
THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.A.NO.3074 OF 2021
AND
C.M.P.NO.21259 OF 2021

Arumugam ...Appellant / 3rd Respondent

Vs

1.Selva Dhanasekaran ...1st Respondent / Writ Peitioner

2.The Commissioner of
Land Administration,
Chepauk, Chennai - 5.

3.The District Revenue Officer,
Ramanathapuram District,
Ramanathapuram.

4.Thadiyarasu ...2 to 4 Respondents / Respondents 1,2 & 4

Appeal preferred under Clause XV of Letters Patent against the order dated 05.10.2021 made in W.P.No.34293 of 2007.

Prayer in W.P.No.34293 of 2007 : Writ Petition is filed under Article 226 of the Constitutin of India praying to issua a Writ of Certiorari calling for the records made in the impugned order dated 31.05.2006 in P5/75375/98 CR 82/98 passed by the 2nd respondent herein, and quash the same.

(Prayer amended as per order dated 05.10.2021 in WMP No.23307 of 2019 in W.P.34293/2007)

For Appellant : Mr.K.Sivabalan

JUDGMENT
(Delivered by PARESH UPADHYAY, J.)

Challenge in this appeal is made to the order dated 5 October 2021 recorded on W.P.No.34293 of 2007. This appeal is by the original respondent No.3 in the writ petition.

2. Learned advocate for the appellant has submitted that the impugned order is erroneous since the part of land in question, which has nexus with other civil litigation, is not properly appreciated by the learned single Judge. Learned advocate taken us through the averments in the petition coupled with the findings recorded by the learned single Judge and it is submitted that this appeal be entertained.

3. Having heard the learned advocate for the appellant and having considered the material on record, this Court finds that, by the impugned order ultimately, the matter is remanded back to the State authorities for passing fresh orders after hearing the original writ petitioner and the respondent Nos.3 and 4 (i.e., including the present appellant). We also find that learned single Judge has taken into consideration the contest put forward on behalf of the present appellant while passing the impugned order. When on overall consideration of the matter, learned single Judge ultimately directed the State Authorities to consider the matter afresh and pass appropriate orders, the same can not be termed to be an error apparent on the face of record, which may call for interference in an intra-court appeal.

4. For the reasons recorded above, this writ appeal is dismissed. No costs. Consequently, C.M.P.No.21259 of 2021 is also dismissed.

Sd/-
Assistant Registrar (CS-VIII)

// True Copy //

Sub Assistant Registrar

raa/24

To

1.The Commissioner of Land Administration,
Chepauk, Chennai - 5.

2.The District Revenue Officer,
Ramanathapuram District,
Ramanathapuram.

W.A.No.3074 of 2021

GPL (CO)
RVM(28/01/2022)