



W.A.No.2311 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.A.No.2311 of 2022

1. Siddiq
S/o Hussain
 2. Safiyulla
S/o Hussain
 3. Zafarulla
S/o Hussain
- .. Appellants

v.

1. The District Collector
Thiruppur District
Thiruppur
2. The Revenue Divisional Officer
Dharapuram
Thiruppur District
3. The Revenue Inspector
Dharapuram Sub Division
Dharapuram, Thiruppur District



W.A.No.2311 of 2022

4. The Village Administrative Officer

Dharapuram South

Dharapuram

Thiruppur District

5. Sameera Begum

W/o Late Abiyullah

.. Respondents

Appeal filed under Clause 15 of the Letters Patent, against the order dated 11.10.2022 passed in W.P.No.25814 of 2022.

For Appellants :: Mr.V.Regunathan

For Respondents :: Mr.P.Muthukumar
State Government Pleader for
R1 to R4

JUDGMENT

(Judgment of the Court was made by the Hon'ble Acting Chief Justice)

This writ appeal has been directed against the interlocutory order dated 11.10.2022 passed by the learned single Judge in Writ Petition No.25814 of 2022.

2. When the matter was taken up on 17.10.2022, after considering the arguments advanced by the learned counsel appearing for the appellants, we



W.A.No.2311 of 2022

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passed the following order:-

"Learned Counsel for the writ petitioners/appellants contended that when the land-in-question belongs to private parties, the 2nd respondent herein, namely, the Revenue Divisional Officer, Dharapuram, Thiruppur District has no locus standi to issue the impugned order dated 13.09.2022.

2. In view of the above, notice to the respondents through court as well as privately returnable by 22.11.2022. In the meanwhile, there shall be an order of interim stay as prayed for.

3. The 2nd respondent herein, namely, the Revenue Divisional Officer, Dharapuram, Thiruppur District is hereby directed to appear before this Court on 22.11.2022 along with relevant records to explain how he has got authority or jurisdiction to entertain a private dispute between two private parties.

4. List the matter on 22.11.2022."

3. Pursuant thereto, today, Mr.R.Kumaresan, the Revenue Divisional Officer, Dharapuram, who is present in the Court, tendered his



W.A.No.2311 of 2022

WEB COPY

unconditional apology stating that since the private parties have fought ignoring their civic responsibility on the road causing public nuisance, he had intervened and finally passed the order dated 13.09.2022 impugned in the writ petition, for which he pleaded innocence. The Officer further stated that since the fifth respondent/landlady approached him with the complaint dated 30.08.2022 seeking for redressal, he had entertained the complaint bona fide and in good faith to avoid the further escalation or tension in the vicinity and that in future, he would not entertain any private complaint like this.

4. Learned State Government Pleader appearing for the official respondents, supporting the stand of the Officer, also submitted that the Revenue Divisional Officer, Dharapuram has not given any room or done like this in the past. He also submitted that the physical possession of the land in question has already been handed over to the fifth respondent.

5. Accepting the above statement made across the Bar, the Revenue



W.A.No.2311 of 2022

WEB COPY

Divisional Officer, Dharapuram is discharged from the proceedings.

6. Admittedly, in the case on hand, when the physical possession of the land in question has already been handed over to the fifth respondent, as it is a dispute between the landlady and the tenants, the appellants are given liberty to workout their remedy before the appropriate forum in the manner known to law. With this observation, the writ appeal stands disposed of accordingly. Consequently, C.M.P.Nos.17658 & 17659 of 2022 are closed. However, there shall be no order as to costs.

Speaking/Non speaking order

(T.R.,A.C.J.) (D.K.K.,J.)

Index : yes/no

29.11.2022

SS

To

1. The District Collector
Thiruppur District
Thiruppur
2. The Revenue Divisional Officer
Dharapuram



W.A.No.2311 of 2022

WEB COPY

- Thiruppur District
3. The Revenue Inspector
Dharapuram Sub Division
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WEB COPY



W.A.No.2311 of 2022

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W.A.No.2311 of 2022

29.11.2022