



W.P.No.33906 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.33906 of 2022
and W.M.P.No.33401 of 2022

Govindan

.... Petitioner

-Vs-

1.District Revenue Officer
Kallakurichi, Kallakurichi District.

2.The Revenue Divisional Officer
Kallakurichi, Kallakurichi District.

3.The Tahsildar
Chinnasalem, Kallakurichi District.

4.Elango

5.Gopinath

6.Kodeeswaran

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to consider and pass order in the Revision filed by the petitioner on 09.11.2021 in respect of issuance of patta for land situated in S.No.275 to an extent of 3.54.5 hectares in Malliampadi Village, Kalvarayan Hills, Chinnasalem Taluk, Kallakurichi District.

For Petitioner : Mr.S.Ramachandran



W.P.No.33906 of 2022

For Respondents : Mrs.N.Senthilselvi
Government Advocate – for RR 1 to 3
Notice dispensed with – for RR 4 to 6

ORDER

The prayer sought for herein is for a Writ of Mandamus directing the first respondent to consider and pass order in the Revision filed by the petitioner on 09.11.2021 in respect of issuance of patta for land situated in S.No.275 to an extent of 3.54.5 hectares in Malliampadi Village, Kalvarayan Hills, Chinnasalem Taluk, Kallakurichi District.

2. As against the order of cancellation of patta issued by the Revenue Divisional Officer, Kallakurichi ie., the 2nd respondent dated 11.10.2021, the petitioner claimed to have filed a revision petition on 09.11.2021 to the 1st respondent ie., the District Revenue Officer and in order to consider the same and to pass orders, the petitioner has moved the present writ petition.

Heard Mr.S.Ramachandran learned counsel for the petitioner and Mrs.N.Senthilselvi, learned Government Advocate appearing for the official respondents.



W.P.No.33906 of 2022

3. In view of the order that is going to be passed by this Court, notice to the private respondents is dispensed with.

4. Even though it was claimed by the learned counsel for the petitioner that a revision petition has been filed before the first respondent District Revenue Officer, however on perusal of the copy of the revision petition, which has been annexed in the typed set of documents, it shows that it was before the Revenue Divisional Officer. Learned counsel for the petitioner submits that it is a typographical error, and the revision has been filed only before the first respondent District Revenue Officer.

5. Heard Mrs.N.Senthilselvi, learned Government Advocate appearing for respondents 1 to 3, who would submit that if at all any revision, as claimed by the learned counsel for the petitioner has been filed before the 1st respondent and the same is still pending, that would be considered and decided on merits after hearing both sides.

6. Considering the aforesaid submissions of the learned counsel for both sides, this Court is inclined to dispose of this writ petition with the following order.



W.P.No.33906 of 2022

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- That there shall be a direction to the 1st respondent to verify whether any revision has been filed, as claimed by the petitioner, dated 09.11.2021 against the order passed by the 2nd respondent dated 11.10.2021 and if so, such revision shall be decided on merits and in accordance with law and can be disposed of within a reasonable time, preferably within a period of eight weeks.
- Before deciding the said revision, the 1st respondent shall give an opportunity of hearing to both the petitioner as well as the private respondents herein.
- It is made clear that, if no such appeal / revision is filed or is pending before the 1st respondent, the said position also can be communicated to the petitioner by the 1st respondent.

7. With the above directions, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

19.12.2022

Index : Yes/No
Internet : Yes/No
KST



W.P.No.33906 of 2022

To

- 1.District Revenue Officer
Kallakurichi, Kallakurichi District.
- 2.The Revenue Divisional Officer
Kallakurichi, Kallakurichi District.
- 3.The Tahsildar
Chinnasalem, Kallakurichi District.



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W.P.No.33906 of 2022

R. SURESH KUMAR, J.

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W.P.No. 33906 of 2022

19.12.2022