



W.P(MD).No.17188 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.17188 of 2013

and

M.P(MD) Nos.1 & 2 of 2013

S.Kandasamy

... Petitioner

-VS-

1. The District Revenue Officer,
Sivagangai District.

2. The Revenue Divisional Officer,
Devakottai Taluk,
Sivagangai District.

3. The Thasildar,
Devakottai Taluk Office,
Sivagangai District.

4. Kathirvel

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating with the order passed by the first respondent in Moo.Mu.B1-19340-2013, dated 10.09.2013 and quash the same as it is illegal and in consequence to direct the first respondent to dispose the said



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revision petition in Moo.Mu.Bi-19340-2013 on merits and also as
accordance with law within a time to be fixed by this Court.

For Petitioner : Mr.S.Saravanakumar
For R-1 to R-3 : Mr.A.Sivanupandian
Additional Government Pleader
For R-4 : Mr.G.Prabhurajadurai

ORDER

The present Writ Petition has been filed challenging the order passed by the first respondent herein, under which, he has refused to entertain a revision filed by the writ petitioner as against the order passed by the second respondent herein.

2. According to the learned Counsel for the petitioner, the third respondent has refused to entertain the request for patta made by the fourth respondent herein and he has directed both parties to approach the competent civil Court. Challenging the same, the fourth respondent had approached the second respondent. The second respondent, by his order, dated 06.05.2013 has set aside the order passed by the Tahsildar and directed the Tahsildar to grant patta in favour of the fourth respondent herein.



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3. The learned counsel for the petitioner has contended that the writ petitioner filed a Revision before the first respondent challenging the order passed by the Revenue Divisional Officer. The first respondent herein, without entertaining the revision, has dismissed it on the ground that since the Revenue Divisional Officer has already passed an order, this revision is not entertained. This order is under challenge in the present Writ Petition.

4. According to the learned counsel for the writ petitioner, he is entitled to file a Revision as against the order of the Revenue Divisional Officer before the first respondent herein under Section 13 of the Tamil Nadu Patta Pass Book Act, 1983. If any Revision is filed, he is under a statutory obligation to consider the same on merits and in accordance with law and he cannot reject the said application on the ground that already the Revenue Divisional Officer has decided the issue.

5. Per contra, the learned counsel appearing for the private respondent has contended that the civil Suit initiated by the writ petitioner has already been dismissed and hence, the Revenue Authorities cannot be called upon to take any decision contrary to the civil Court findings.



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6. I have considered the submissions made on either side.

7. A perusal of the order impugned in the Writ Petition indicates that the first respondent herein has refused to entertain the Revision on the ground that already, orders have been passed by the Revenue Divisional Officer. He is under a statutory obligation under Section 13 of the Tamil Nadu Patta Pass Book Act to entertain the revision and pass orders on merits and in accordance with law.

8. Hence, the order impugned in the Writ Petition is set aside and the matter is remitted back to the file of the first respondent herein for fresh consideration after giving due opportunity to the fourth respondent herein. The petitioner as well as the fourth respondent are at liberty to place the civil Court decision before the first respondent.



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9. With the above said observation, this Writ Petition stands allowed.

There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

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Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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