



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2022

CORAM:

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

W.A. (MD) No.31 of 2022

Tulsidas K.Patel

... Appellant/Petitioner

Vs.

- 1.The District Revenue Officer,
Tiruchirappalli,
Trichy District.
- 2.The Revenue Divisional Officer,
Tiruchirappalli,
Trichy District.
- 3.The Tahsildar,
Thiruvembur,
Trichy.
- 4.Natarajan
- 5.Hemalatha

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order, dated 13.12.2021, made in W.P.(MD) No.22060 of 2021 by allowing the appeal.

Prayer in WP(MD). 22060/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF MANDAMUS to direct the 1st respondent to take the Revision Peditition filed under section 13 of Tamil Nadu Patta Pass Book Act, 1983 by the petitioner dated 01.11.2021 on file and to dispose of the same in accordance with law within time stipulated by this Honble Court and pass such further or other orders as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner : Mr.R.Gandhi

For Respondent Nos.1 : Mr.M.Siddharthan
to 3 Additional Government Pleader



J U D G E M E N T

(Judgment of the Court was made by PUSHPA SATHYANARAYANA, J.)

W.P.(MD) No.22060 of 2021 was filed by the appellant herein for issuance of a Writ of Mandamus, directing the first respondent to take the Revision Petition filed under Section 13 of Tamil Nadu Patta Pass Book Act, 1983 by the petitioner dated 01.11.2021 on file and dispose of the same in accordance with law within a time frame. The said Writ Petition was dismissed by the learned Single Judge by recording the statement of learned Additional Government Pleader that the inquiry was on and challenging the same, the Writ Appeal has been filed.

2.Heard Mr.R.Gandhi, learned counsel for the appellant and Mr.M.Siddharthan, learned Additional Government Pleader, appearing for respondent Nos.1 to 3. In view of the order, we propose to pass in this Writ Appeal, protecting the interests of respondent Nos.4 and 5 also, notice to respondent Nos.4 and 5 is dispensed with.

3.A Revision Petition was filed by the appellant/petitioner before the Revenue Divisional Officer under the Tamil Nadu Patta Pass Book Act, 1983. Similarly another Revision Petition was filed by respondent Nos.3 and 4 with respect to the same property before the Revenue Divisional Officer.

4.According to the appellant, the revision petition filed by him is not yet taken on file and numbered, before which, the Revision Petition filed by respondent Nos.4 and 5 was taken up for enquiry. When there are two Revision Petitions pending, relating to the same issue, unless both are heard together, there is a chance of conflicting orders being passed. Before the Writ Court, when it was mentioned that enquiry has commenced, on the premise that both the revision petitions are heard together, the Writ Petition was dismissed by recording the statement of the learned Additional Government Pleader. It was pointed out by the learned counsel for the appellant that the revision petition is yet to be numbered and taken on file by the second respondent.

5.The learned Additional Government Pleader also agreed that he would give suitable instructions to the officials to take up both the Revision Petitions together.

6.However, we make it as a direction to the second respondent to hear both the Revision Petitions, filed by the petitioner and the respondent Nos.4 and 5 together by affording them an opportunity of personal hearing and pass appropriate orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.



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7.The Writ Appeal stands disposed of with the above directions.
No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sj

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The District Revenue Officer,
Tiruchirappalli,
Trichy District.

2.The Revenue Divisional Officer,
Tiruchirappalli,
Trichy District.

3.The Tahsildar,
Thiruvembur,
Trichy.

+1 CC to M/s.R.GANDHI, Advocate (SR-3527[F] dated 01/02/2022)

+1 CC to M/s.SPL.GP (SR-3653[F] dated 02/02/2022)

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