



W.P(MD)No.8881 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8881 of 2021

and

W.M.P.(MD)Nos.6681 and 6684 of 2021

M.Swaminathan

... Petitioner

Vs.

1.The District Revenue Officer,
Thanjavur.

2.The Revenue Divisional Officer,
Thanjavur.

3.The Tahsildar,
Thanjavur.

4.J.Prema

5.Kalyani Ammal

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the 1st respondent in Tha.Pa.No.2/2017/2(2) dated 26.03.2020 and the impugned order of the 2nd respondent in Tha.Pa.67/2016, A5 dated 29.05.2017 and quash the same.



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For Petitioner : Mr.R.Murali,
For Mr.A.Selvendran

For Respondents : Mr.K.Balasubramni,
Spl. Government Pleader for R1 to R3.
No appearance for R4
Tapal Returned for R5

ORDER

Heard the learned counsel for the writ petitioner and the learned Special Government Pleader for the respondents 1 to 3. Notices were sent to the address of the respondents 4 and 5 as shown in the impugned order. The covers have returned unserved. This is as good as having effected service. The petitioner can only be expected to send a registered post to the address notified to him. If the respondents 4 and 5 have vacated from the said address, the petitioner cannot be expected to hunt for their new address. I therefore directed the Registry to print the names of the respondents 4 and 5. Their names have been printed in the cause list.

2.The petitioner challenges the order passed by the first respondent. Patta in respect of the petition mentioned property stood in the name of the writ petitioner originally. Questioning the same, the respondents 4 and 5 moved the



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Revenue Divisional Officer, Thanjavur. The Revenue Divisional Officer, Thanjavur allowed the appeal filed by the respondents 4 and 5 and deleted the name of the writ petitioner from the revenue record and substituted the same by including the respondents 4 and 5. Aggrieved by the said order dated 29.05.2017, the petitioner filed a revision before the District Revenue Officer, Thanjavur. The learned counsel for the petitioner commented that the first respondent chose to pass order on 26.03.2020, when the nation wide lockdown had just then been announced. I would not enter into any discussion on this. But the impugned order has to be set aside on another ground. The order runs to eight pages. It is in four parts. Part-I contains the verbatim extract of the revision petitioner's case. Part-II contains the verbatim extract of the written statement of the respondents 4 and 5. Part-III contains the verbatim extract of the order passed by the Revenue Divisional Officer, Thanjavur. Part-IV contains the operative portion. It only states that the Revenue Divisional Officer considered all the relevant materials and came to the conclusion that the Revenue Divisional Officer had passed the order only after a proper consideration of the sale deed as well as the village account and that there is no scope for interference with the same and hence, the revision petition stood dismissed.



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3.I must record my sense of shock at the way the impugned order has passed. The District Revenue Officer, Thanjavur was exercising a *quasi judicial* function in this case. This is certainly not the way to dispose of a revision petition which has a serious bearing on the civil rights of the parties. The non application of mind is obvious. The first respondent has scripted a non-speaking order. It is quashed. The writ petition is allowed. The matter is remitted to the file of the first respondent to pass an order afresh in accordance with law after hearing the writ petitioner and the respondents 4 and 5. A fresh notice shall be issued by the first respondent and a fresh order shall be passed thereafter. No costs. Consequently, connected miscellaneous petitions are closed.

18.07.2022

Index : Yes / No
Internet : Yes/ No
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To:

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



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G.R.SWAMINATHAN, J.

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