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W.P.(MD)NO.14890 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 26.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.14890 of 2022

Pathimuthu

... Petitioner

Vs.

1 The Revenue Divisional Officer,
District Collector Office, Tirunelveli.

2 The Tahsildar,
Taluk Office, Palayamkottai,
Tirunelveli District.

3 Maideen Raja

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to dispose the appeal file by the petitioner dated 31.05.2022 within the stipulated time.

For Petitioner : Mr.K.Anand

For R-1 & R-2 : Mr.G.Sivaraja,
Government Advocate.

For R-3 : Mr.V.Meenakshisundaram

* * *



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ORDER

Heard the learned counsel on either side.

2. The petitioner seeks disposal of his appeal filed before the Revenue Divisional Officer.

3. I went through the contents of the appeal petition. In the appeal petition, the petitioner sought two reliefs; (a) cancellation of some documents and (b) mutation of patta. As regards the first prayer, the Revenue Divisional Officer is incompetent. The petitioner has to move the jurisdictional District Registrar. As regards the mutation of patta, it is seen that the property is not an agricultural land. It is falling within the Corporation limits. The property has been classified in the Town Survey Register. It is only the Assistant Commissioner who makes the corrections and patta is issued by the Tahsildar based thereon. In other words, the proceedings on the file of the second respondent are consequential in nature. The primary order is passed only by the Corporation authority. Therefore, the petitioner cannot get any relief at the hands of



the first respondent. The petitioner has to necessarily move

the Commissioner, Tirunelveli City Municipal Corporation.

The Commissioner of Corporation or any other appellate authority who is competent to entertain the appeal against the decision taken by the Assistant Commissioner as regards the mutation in Town Survey Register, if such an appeal is filed, will dispose it of on merits and in accordance with law, after issuing notice to the private respondent within a period of twelve weeks thereafter.

4. With this liberty to the petitioner and the direction to the appellate authority, this writ petition stands disposed of. No costs.

26.08.2022

Index : Yes / No

Internet : Yes/ No

PMU



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G.R.SWAMINATHAN,J.

PMU

To:

- 1 The Revenue Divisional Officer,
District Collector Office, Tirunelveli.
- 2 The Tahsildar,
Taluk Office, Palayamkottai,
Tirunelveli District.

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