



W.P(MD)No.13939 of 2016

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2022

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.13939 of 2016

and

W.M.P(MD)Nos.10370 & 10371 of 2016

R.Vasanth

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The District Revenue Officer,
Madurai District.

3.The Revenue Divisional Officer,
Madurai District.

4.The Tahsildar,
Vaadipatty Village,
Madurai District.

5.K.Rajeswari

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to



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call for the records pertaining to the impugned order passed in Na.Ka.No. 8261/2014/C dated 27.06.2016 passed by the 3rd respondent and quash the same and consequently directing the 3rd respondent to dispose of the patta proceedings on merits after giving due notice to the petitioner as per the order of the 2nd respondent passed in Revision Petition in 10/2004/B2 dated 31.05.2004.

For Petitioner : No Appearance

For R1 - R4 : Mr.B.Saravanan
Additional Government Pleader

For R5 : Mr.A.Hajamohideen

ORDER

The present writ petition has been filed challenging a communication of Revenue Divisional Officer to District Revenue Officer, dated 27.06.2016.

2. In proceedings arising under the Patta Passbook Act, the second respondent has passed an order on 31.05.2004, wherein, he has cancelled the order passed by the Revenue Divisional Officer, dated 23.10.2003 and remitted the matter back to the Revenue Divisional Officer, Madurai. Under the said order, the District Revenue Officer has directed the



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Revenue Divisional Officer to conduct a fresh enquiry and pass orders.

However, without passing orders, the Revenue Divisional Officer has sent a communication to District Revenue Officer, recommending construction of building in Survey No.309/19. This order is under challenge in the present writ petition.

3. Instead of passing orders as directed by District Revenue Officer, Madurai, the Revenue Divisional Officer has just sent a recommendation to District Revenue Officer under the impugned order. Hence, the order impugned in the writ petition is not in consonance with the order of District Revenue Officer, dated 31.05.2004.

4. In view of the above said facts, the communication impugned in the writ petition is set aside. The 3rd respondent is directed to pass orders on merits and in accordance with law, after giving due opportunity to the writ petitioner and the 5th respondent herein and the same shall be reported back to this Court. The said exercise shall be completed within a period of six (6) weeks from the date of receipt of a copy of this order.



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5. With the above said observations, this Writ Petition stands allowed. No costs. Consequently. Connected Miscellaneous Petitions are closed.

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Index : Yes / No
Internet : Yes / No

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To

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R.VIJAYAKUMAR ,J.

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Order made in
W.P(MD)No.13939 of 2016

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