



W.P.(MD)No.26512 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.11.2022

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THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.26512 of 2022

C.Arjun

.. Petitioner

Versus

1.The Special Commissioner cum
Commissioner of Land Administration,
Chepauk,
Chennai 600 005.

2.The District Collector,
Madurai District,
Collectorate,
Madurai 625 020.

3.The District Revenue Officer,
Collectorate,
Madurai 625 020.

4.G.Venkatesan

.. Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the third respondent to transfer the proceedings in Ni.Mu.No.57666/2019/G5, dated 03.02.2022, pending on his file to the file of the first respondent herein for conduct of enquiry after giving opportunities to all the parties concerned expeditiously.



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W.P.(MD)No.26512 of 2022

For Petitioner : Mr.M.V.Venkateseshan
For R1 to R3 : Mr.D.Sadiq Raja
Additional Government Pleader

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the third respondent to transfer the proceedings in Ni.Mu.No. 57666/2019/G5, dated 03.02.2022, pending on his file to the file of the first respondent for conduct of enquiry, after giving opportunities to all the parties concerned, expeditiously.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3.

3. By consent of both the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

4. The case of the petitioner is that his father Govindan has purchased the property in S.No.394/3, 391/14 situated at Kulasekarankottai Village and S.No.57/3 situated Bodinaickenpatti Village, Vadipatti Taluk, Madurai District. An extent of 32 cents in S.No.391/2 was also being cultivated by the petitioner's father. Hence, the petitioner's father has submitted a petition to the



W.P.(MD)No.26512 of 2022

third respondent seeking patta, on 21.04.1994. The third respondent has forwarded the same to the Assistant Settlement Officer, Madurai on 23.06.1995, for consideration. After due enquiry, the Assistant Settlement Officer has passed an order on 09.10.1995, to the effect that 32 cents in S.No. 391/2 will be jointly entered in the name of the petitioner's father and his sister. Then, by a Will dated 19.04.2022, the petitioner's father bequeathed all his properties in favour of his son viz., the petitioner C.Arjun. The petitioner's father expired on 07.10.2003. The fourth respondent has submitted a representation on 12.12.2019, complaining about the grant of Patta in favour of Late Govindhan and subsequently to the petitioner. Without giving any opportunity to the petitioner, by order dated 03.02.2022, the third respondent chose to hold that the said 32 cents in S.No.391/2 is a Village Grama Natham and set aside the order of the Assistant Settlement Officer, dated 09.10.1995.

5. Aggrieved over the same, the petitioner has filed a writ petition in W.P.(MD).No.1640 of 2022 and on 26.08.2022, this Court has set aside the impugned order. The fourth respondent has filed an appeal before the first respondent. But, by misconstruing the G.O.No.1971, dated 14.10.1998, the matter was remitted to the third respondent for hearing. When the Circular dated 12.06.2015 specifically states that the first respondent is the competent authority to hear the matter, then retention of the papers by the third



W.P.(MD)No.26512 of 2022

respondent is wholly without jurisdiction. Hence, the present writ petition has been filed.

6. The learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that the first respondent is not the competent authority to hear the matter.

7. In view of the above, this Court directs the District Collector, Madurai District, the second respondent herein to transfer the proceedings in Ni.Mu.No.57666/2019/G5, dated 03.02.2022 from the District Revenue Officer, Madurai, the third respondent herein to some other District Revenue Officer, who shall hear the matter and pass appropriate orders, on merits and in accordance with law, within a period of twenty weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition is disposed of. No costs.

24.11.2022

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W.P.(MD)No.26512 of 2022

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- To
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W.P.(MD)No.26512 of 2022

V.BHAVANI SUBBAROYAN, J.

akv

Order made in
W.P.(MD)No.26512 of 2022

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