IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2023

CORAM :

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

W.P.No.15857 of 2018
and W.M.P.No.18855 of 2018

Rev.Dr.Manuel S.Titus
Hon.Diocesan Secretary,
CSI Diocese of Madras,
No.226, Cathedral Road,
Chennai - 86. .. Petitioner

vs

1.The Secretary to Government,
Revenue Department, Secretariat,
Chennai – 09.

2.The Commissioner of Land Administration,
Office of the Commissioner of Land Administration,
Chepauk, Chennai – 05.

3.The District Revenue Officer,
Chennai District, Office of the Chennai Collectorate,
4th Floor, Singaravelar Maligai,
Rajaji Salai, Chennai – 01.

4.The Tahsildar, Mylapore Taluk,
Greenways Road, Chennai - 28.

5.Prof.D.S.Luther
Secretary – Trustee
St.George's Cathedral Trust,
No.224, Cathedral Road, Chennai – 86. .. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of prohibition prohibiting the 2nd respondent, being the quasi judicial authority, from exceeding the bounds of his jurisdiction in deciding the 2nd review petition filed by the 5th respondent in file No.K4/2944/2018 as the 2nd respondent has no authority to entertain any revision or review against the order passed by the District Revenue Officer in view of G.O.(Ms).No.409 Revenue SSI (1) Department dated 02.07.2008 wherein the Government have withdrawn the power of revision vested with the Special Commissioner and Commissioner for Land Administration, the 2nd respondent herein, and consequently dismiss the same.

For Petitioner	:	Mr.M.Kempraj
For Respondents	:	Mr.R.Ramanlaal, AAG IV assisted by Mr.T.Arunkumar, AGP for R1 to R4 No appearance for R5

ORDER

The hearing notice issued by the second respondent in proceedings dated 05.03.2018 is sought to be quashed in the present writ petition.

2. It is not in dispute that the District Revenue Officer passed an order on 10.03.2015 granting patta in favour of the writ petitioner. The fifth respondent aggrieved from and out of the order passed by the DRO in proceedings dated 10.03.2015 filed a revision before the Commissioner of Land Administration. The writ petitioner has mainly contended that the second revision filed by the fifth respondent is not entertainable, since the first revision was already decided by the District Revenue Officer in accordance with law.

3. The power of second revision / appeal originally conferred with the Commissioner of Land Administration was deleted by the Government in G.O.(Ms).No.409 dated 02.07.2008. The said power originally conferred under the Revenue Standing Orders para 31.8(A) was deleted. Therefore, after the revision order passed by the District Revenue Officer, the aggrieved party has to approach the competent civil court of law for the purpose of adjudication of the issues. Thus, the hearing notice is beyond the jurisdiction conferred on the Commissioner of Land Administration under the Revenue Standing orders. In other words, there is no provision to entertain the second revision petition by the Commissioner of Land Administration and, therefore, the impugned hearing notice passed by the proceedings dated 05.03.2018 is quashed. The parties are at liberty to approach the competent civil court of law for the purpose of establishing their rights in the manner known to law.

5. Accordingly, the writ petition stands allowed. No costs. Connected miscellaneous petition is closed.

15.09.2023

Index:Yes
Neutral Citation:Yes
ssm

To

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S.M. SUBRAMANIAM,J.

ssm

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