



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.18784 of 2018
and WMP.No.22132 of 2018

Mrs.K.Thirupurasundari,
W/o.Late Mr.Kothadam

... Petitioner

Vs.

1. The Revenue Divisional Officer,
J N Road, Tiruvallur – 602 001,
Tiruvallur District, Tamil Nadu.

2. The District Revenue Officer,
Collectorate Campus, Tiruvallur – 602 001.
Tiruvallur District, Tamil Nadu.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned order 1815/2018/A5 dated 20.06.2018, issued by Revenue Divisional Officer, Thiruvallur, the 1st respondent herein and quash the same as arbitrary and unlawful, being violating of rules and principles of natural justice and thereby direct the respondents to restore patta No.859 granted to the petitioner.

For Petitioner : Mr.N.Surya Senthil

For Respondents : Mr.C.Jayaprakash
Government Advocate



ORDER

This writ petition has been filed challenging the order passed by the Revenue Divisional Officer, Tiruvallur.

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2. The patta granted in favour of the writ petitioner was cancelled and thus, the petitioner has chosen to file the present writ petition.

3. The learned counsel for the petitioner mainly contended that no notice was issued to the writ petitioner and the petitioner had not participated in enquiry. Thus, the matter is to be remanded back for fresh adjudication of the issues.

4. The learned Government Advocate brought to the notice of this Court with reference to the findings made by the Revenue Divisional Officer in the impugned order, which would reveal that on 14.06.2018 at 11.00 a.m the Revenue Divisional Officer asked the holders of patta Mr.Prabakar Reddy S/o.Duraisamy Reddy, Tmt.Thirupurasundari W/o.Kothandam and the Special Thasildhar (Land Acquisition), Thervaikandigai, Assistant Executive Engineer, PWD, WRD, Thervaikandigai to appear before him for the purpose



of conducting an enquiry, but Thirupurasundari, W/o.Kothandam, who is the writ petitioner herein had not participated in the enquiry conducted by the Revenue Divisional officer. The order would further reveal that the said Prabakar Reddy alone submitted the documents but not filed any statements. The other parties have produced the records. Thus, the statement made by the petitioner that no enquiry was conducted cannot be considered.

5. Even presuming that the petitioner's vendor was issued with the notice and the petitioner had not issued with the notice and had not participated in the enquiry, the impugned order itself states that the petitioner is at liberty to prefer an appeal before the District Revenue Officer, Tiruvallur within a period of 30 days from the date of receipt of a copy of that order.

6. The learned counsel for the petitioner states that the petitioner is the absolute owner of the subject property.

7. May that as it be, this Court is of the considered opinion that the Revenue Divisional Officer conducted an enquiry, but the petitioner had not



participated. Instead of preferring an appeal before the District Revenue Officer, the petitioner has chosen to file the present writ petition. Disputed facts cannot be adjudicated in a writ proceedings. The Revenue Divisional Officer is empowered to conduct an enquiry by affording an opportunity to all the parties and decide the issues on merits and in accordance with law. The parties need not be deprived of their right of appeal/revision contemplated, which is efficacious in nature.

8. Instead of remanding the order back to the Revenue Divisional Officer, the petitioner may be at liberty to prefer an appeal before the District Revenue Officer, who in turn shall afford an opportunity to all the parties and pass orders on merits and in accordance with law.

9. The petitioner is at liberty to prefer an appeal/revision before the District Revenue Officer, Tiruvallur, who in turn shall entertain the same without reference to the delay and adjudicate the issues by affording an opportunity to all the parties and pass appropriate orders on merits and in accordance with law as expeditiously as possible.



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With this liberty, this writ petition stands disposed of. No costs.

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Connected miscellaneous petition is closed.

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Index : Yes

Speaking order

Neutral Citation : Yes/No

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To

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Tiruvallur District, Tamil Nadu.
2. The District Revenue Officer,
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S.M.SUBRAMANIAM, J.

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