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W.P.Nos.18255 of 2020 & 21344 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.Nos.18255 of 2020 & 21344 of 2021

and

W.M.P.Nos.22638 of 2020 & 22586 of 2021

R.Mohan Ranganathan

...Petitioner in both W.P's.

Vs.

1. The Commissioner Revenue Administration,
Chepauk, Chennai - 600 005.
2. The Assistant Commissioner-II,
O/o. The Commissioner of Revenue Administration,
Cheapuk, Chennai - 600 005.
3. The District Collector,
Salem District, Salem - 636 001.
4. The District Revenue Officer(DRO),
Salem District, Salem - 636 001.
5. The Revenue Divisional Officer(RDO),
Attur, Salem District - 636 102.
6. The Tahsildar,
Attur Taluk, Attur,
Salem District - 636 102.
7. The Sub Registrar,

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- Attur Town, Attur,
Salem District - 636 102.
8. The Settlement Tahsildar,
Attur Town Taluk Office,
Attur, Salem District - 636 102.
9. The Assistant Settlement Officer (South),
Survey Settlement Office,
Chepauk, Chennai - 600 005.
10. The Special Officer,
Survey and Settlement Office,
3rd Floor, Chepauk, Chennai - 600 005.
11. The Additional Superintendent of Police,
Vigilance and Anti Corruption,
No.293, MKN Road, Alandur,
Chennai - 600 016.
12. The Inspector of Vigilance and Anti Corruption,
No.53, Omalur Main Road,
Arthanari Nagar, Swarnapuri, Salem - 636 016.
13. A.K.Prakash,
Taluk Supply Officer,
O/o. Salem Taluk Office,
Salem District - 636 001. ...Respondents in W.P.No.18255 of
2020

Vs.

1. The Commissioner,
Revenue Administration,
Chepauk, Chennai - 600 005.
2. The District Collector,
Salem District, Salem - 636 001.



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3. The District Revenue Officer,
Salem District, Salem - 636 001.
4. The Revenue Divisional Officer,
Attur, Salem District - 636 102.
5. The Tahsildar,
Attur Taluk, Attur,
Salem District - 636 102.
6. The Superintendent of Police,
Kallakurichi District, Kallakurichi.
7. The Inspector of Police,
Kallakurichi Town Police Station,
Kallakurichi Town and District.
8. Geethesan
9. S.Nareshkumar
10. Hema Elayarwar
11. Alamelu
12. Vijayalakshmi
13. E.Harigovindan

(R10 to R13 impleaded, vide order dated 27.10.2022 made in WMP.
No.27468 of 2022 in W.P.No.21344 of 2021)

14. N.Ambujam

(R14 impleaded, vide order dated 27.10.2022 made in WMP.
No.27552 of 2022 in W.P.No.21344 of 2021)

15. Bar Council of Tamil Nadu & Puducherry,
Madras High Court Campus,
Chennai - 600 104.
16. R.Selvakumar



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17. The District Disability Welfare Officer,
District Disability Office,
Salem Collectorate,
Salem District.

...Respondents in W.P.No.21344 of 2021

(R15 to R17 impleaded, vide order dated 05.06.2023 made in WMP. No.14256 of 2023 in W.P.No.21344 of 2021)

Prayer in W.P.No.18255 of 2020: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the order passed by the 5th respondent in Roc.No. 1366/2020/A3 dated 08.10.2020, to quash the same and consequently direct the 5th respondent to conduct enquiry afresh and pass orders in accordance with the 1st respondent Circular No.11/2017 dated 09.02.2017 to decide the issue of administrative misconduct acts committed by the 13th respondent in accordance with law within a period that may be fixed by this Hon'ble Court.

Prayer in W.P.No.21344 of 2021: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the order passed by the 4th respondent - Revenue Divisional Officer, Attur dated 27.08.2021 in proceedings No.Pa.Mu.6067/2020/A1 and to quash the same and consequently direct the 4th respondent to conduct a fresh enquiry on the appeal of the petitioner dated 24.12.2020 based on the circular No.11 of 2017 dated 09.08.2017 issued by the 1st respondent, after affording an opportunity of personal hearing to the petitioner and the 8th respondent within a reasonable time that may be fixed by this Hon'ble Court.

In W.P.No.18255 of 2020:

For Petitioner : Mrs.S.Dakshayini Reddy
for Ms.K.Aswini Devi

For Respondents : Mr.P.Sathish, AGP, for R1 to R12
: Mr.K.M.Vivekanandhan, for R13.

In W.P.No.21344 of 2021:

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W.P.Nos.18255 of 2020 & 21344 of 2021

For Petitioner : Mrs.S.Dakshayini Reddy
for Ms.K.Aswini Devi

For Respondents : Mr.P.Sathish, AGP, for R1 to R7 & R17
: Mr.D.Selvam, for R8
: Mr.S.N.Subramani, for R10 to R13
: Mr.Sankaran, Sr.C
for Mr.S.Vijayakumar, for R14
: Mr.R.Jothimanian, for R15

COMMON ORDER

Since the issue involved in both the Writ petitions are similar in nature, they are disposed of by way of this common order.

2. As against the issuance of Legal Heirship Certificate in favour of the Geethesan, who it is alleged is a mentally retarded person, the petitioner preferred appeals before the Jurisdictional Revenue Divisional Authority/Appellate Authority, who in turn rejected the petitioner's appeals. Challenging the same, the petitioner has come up with these Writ petitions.

3. Learned Senior counsel appearing for the petitioner submitted that, since the said Geethesan is mentally retarded, the petitioner made special request before the Revenue Divisional Officer for conducting an enquiry by affording an opportunity of personal hearing to the petitioner, however,



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without considering the petitioner's request and without taking into account the mental stability of the 8th respondent, the Revenue Divisional Authority has mechanically passed the present impugned orders, which is not sustainable. Hence, it would suffice, if this Court quashes the impugned orders and remand the matter to the Revenue Divisional Officer for ascertaining the mental stability of the said Geethesan.

4. Learned Senior counsel appearing for the 14th respondent in W.P.No.21344 of 2021 adopted the arguments of the learned Senior counsel appearing for the petitioner.

5. On the above said contentions heard learned counsel appearing for the respective respondents and perused the materials available on record.

6. Though very many grounds have been raised by the learned counsel on either side at the time of arguments, however, a perusal of the material documents on record, particularly the orders impugned in these Writ petitions reveal that, the impugned orders are passed in the appeals by the Appellate Authority/the Revenue Divisional Officer, and as against



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which, there is an effective Revisional remedy available before the Revisional Authority/District Revenue Officer and without exhausting the said revisional remedy, straight away approaching this Court by way of filing these Writ petitions, challenging the orders passed by the Appellate Authority is not maintainable.

7. In view of the above, this Court, without interfering with the orders impugned in these Writ petitions, directs the petitioner to file appropriate revision before the jurisdictional District Revenue Officer/ Revisional authority within a period of two weeks from the date of receipt of a copy of this order. Upon receipt of such revision, the jurisdictional District Revenue Officer/Revisional authority shall consider the same on merits and in accordance with law and pass appropriate orders within a period of eight weeks thereafter, after affording an opportunity of personal hearing to the petitioner and other aggrieved parties.

8. With the above observations and directions, these Writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.



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NCC : Yes/ No
Speaking Order : Yes/ No
Index : Yes/ No

To

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Chepauk, Chennai - 600 005.
2. The Assistant Commissioner-II,
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Attur Town, Attur,

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W.M.P.No.14256 of 2023

in

W.P.No.21344 of 2021

M.DHANDAPANI., J.

The present Miscellaneous petition
filed to implead the proposed
respondents 15 to 17 as necessary parties
in the main Writ petition is ordered as
prayed for.



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