



WEB COPY

W.P.No.28365 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.28365 of 2018
and WMP.No.33076 of 2018

K.Paul,
S/o.Shri. Karuppaiah

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Chengulpattu,
Kancheepuram District.

2. The Branch Manager,
SIDCO, Thirumudivakkam,
Chennai – 44.

3. K.Bagavath Singh

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, call for the records pertaining to the proceeding of the 1st respondent in Na.Ka.No.1997/2016/A1 dated 03.09.2018 directing for mutation the revenue records in favour of 2nd respondent, quash the same and consequently direct the 2nd respondent not disturb the possession of the petitioner.



For Petitioner : Mr.B.Manoharan
for Mr.V.S.Mannarsamy

For Respondents : Mr.T.Arunkumar
Additional Government Pleader [R1]

R2 – No appearance

Mr.A.Athimoolam [R3]

ORDER

The order dated 03.09.2018 issued by the Revenue Divisional Officer, Chengulpet transferring the patta in the name of the 2nd respondent/SIDCO is under challenge in the present writ petition.

2. The petitioner states that he inherited the subject property in S.No.6/10 at Singaperumal Koil and he had been in possession and enjoyment.

3. The second respondent SIDCO filed an application before the Revenue Divisional Officer for cancellation of patta. The application submitted by the SIDCO was considered and the patta stood in the name of



the petitioner was cancelled and the patta was granted in the name of the SIDCO. The order impugned states that, the aggrieved persons may prefer revision before the District Revenue Officer, Kancheepuram within a period of 30 days from the date of receipt of a copy of that order.

4. The learned counsel for the petitioner mainly contended that no enquiry was conducted by the Revenue Divisional Officer.

5. The learned Additional Government Pleader appearing for the first respondent objected the said contention by stating that notice was issued to the concerned patta holders and thereafter, an enquiry was conducted.

6. The learned counsel appearing for the second respondent made a submission that the notice was affixed in the premises of the concerned persons.

7. May that as it be, even in case, the petitioner had not defend their case before the Revenue Divisional Officer, he has a right of revision before the District Revenue Officer, which is an efficacious remedy. The District



Revenue Officer is empowered to call for the records, document and statements from the aggrieved persons and by conducting an enquiry decide the issues on merits and in accordance with law.

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8. Contrarily, the High Court in a writ proceedings cannot conduct a roving enquiry in respect of the disputes of civil nature.

9. The order impugned states that the second respondent SIDCO entitled for patta based on the records available.

10. This being the factum established, the petitioner is at liberty to file a revision before the District Revenue Officer within a period of 30 days from the date of receipt of a copy of this order. On receipt of any such revision petition from the petitioner, the District Revenue Officer shall entertain the same without reference to the delay and adjudicate the issues on merits and in accordance with law by affording an opportunity to all the parties and disposed of the same as expeditiously as possible.



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

Connected miscellaneous petition is closed.

04.09.2023

Index : Yes

Speaking order

Neutral Citation : Yes/No

mp

To

The Revenue Divisional Officer,
Chengulpattu,
Kancheepuram District.



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S.M.SUBRAMANIAM, J.

mp

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