



W.P(MD)No.1639 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1639 of 2023

and

W.M.P(MD)Nos.1483 & 1484 of 2023

M.Mahalingam

... Petitioner

Vs

1.The District Revenue Officer,
Office of the District Revenue Officer,
Madurai District.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Thirumangalam Revenue Division at Kappalur,
Madurai District.

3.A.Sakkaiya

4.A.Valli

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the entire records pertaining to the impugned proceedings of the first respondent Na.Ka.No.G2/30096/2022 dated 28.06.2022 and to quash the same as illegal.

For Petitioner : Mr.C.M.Arumugam

For Respondents : Mr.A.K.Manikkam
Special Government Pleader
for R.1 and R.2



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ORDER

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Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the official respondents.

2.The petitioner challenges the impugned memorandum dated 28.06.2022 issued by the District Revenue Officer, Madurai. The said memorandum was already put to challenge by the third respondent herein in W.P(MD)No.22111 of 2022. Vide order dated 20.09.2022, the writ petition is disposed of. Paragraph No.6 of the order reads as follows:

“6. This Court, after hearing the parties, is of the view that there was a dispute regarding the title of the property, which has been gifted by the mother to the petitioner and when the mutation has been effected in the Patta, the authorities concerned has not considered the same. But during the pendency of the civil suit, the authorities concerned issued the Pattas in favour of the plaintiffs, who are not successful before the Courts below and the petitioner has to establish his right over the property. That being the case, the petitioner is directed to approach the first respondent by giving an explanation as to why he could not file the said review application within the time and on receiving the said explanation, the first respondent is directed to apply his mind and after scrutinising the judgment and decree passed by the Courts below and pass appropriate



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orders in the review application, after holding an enquiry and giving an opportunity to the parties concerned, regarding the said mutation, within a period of six months from the date of receipt of a copy of this order.”

3.The petitioner herein was not shown as a party in the earlier writ petition. Be that as it may, the remedy open to the petitioner is to challenge by filing third party's writ appeal before the Hon'ble Division Bench since he is aware of passing of the writ order. That apart, the impugned order in my view does not affect the rights of the writ petitioner. The petitioner can always place his case before the first respondent and seek rejection of the third respondent's revision petition even if it is numbered. The first respondent has not gone into the merits at all. He had only returned the petition filed by the third respondent. Therefore, no interference is called for at this stage.

4.Leaving open all the contentions and defenses of the writ petitioner, this writ petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

30.01.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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G.R.SWAMINATHAN, J.

MGA

To

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