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W.P.(MD)NO.4510 OF 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.4510 of 2020 and
W.M.P.(MD)Nos.3823 & 3825 of 2020

Narayanasamy @ Sundaramoorthy

... Petitioner

Vs.

1. The District Revenue Officer,
Sivagangai,
Sivagangai District.
2. The Managing Director,
Tamil Nadu Textiles Corporation Ltd.,
3rd Floor, Dr.Nanjappa Road,
Coimbatore – 641 018.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the proceedings of the first respondent made in P.M.P4/24058/2016 dated 24.01.2020 and quash the same.



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For Petitioner : Mr.R.Murali,
for Mr.M.Suresh Kumar.

For R-1 : Mr.M.Lingadurai,
Special Government Pleader.

For R-2 : Mr.M.Elanchezhian

* * *

ORDER

Heard the learned counsel on either side.

2. The case of the writ petitioner is that the first respondent has passed the impugned order without complying with the principles of natural justice. The petitioner's counsel would contend that seeking issuance of patta, the petitioner had moved the Revenue Divisional Officer. The Revenue Divisional Officer had taken the stand that since the District Revenue Officer is the competent authority, it is the District Revenue Officer who has to look into the matter. Therefore, the petitioner filed a fresh petition before the first respondent. Since it was not considered, the petitioner filed writ petition seeking time bound disposal. Since the first respondent did



not adhere to the direction given by this Court, the petitioner filed contempt petition. The petitioner's counsel would allege that since the contempt petition was instituted in order to comply with the direction issued by this Court, the impugned order was hastily passed without hearing the petitioner.

3. The contention of the petitioner's counsel is technically right. But on this sole ground, I am not able to simply set aside the impugned order and remand the matter. This is because in the impugned order, the petitioner's rights have not been infringed. The petitioner has only been directed to move the jurisdictional civil Court. As rightly pointed out by the learned counsel appearing for the second respondent, the father of the petitioner had sold the property some 62 years; it was a registered transaction. However, the sale was subject to certain conditions. The petitioner's counsel vehemently submitted that the sale itself stood nullified.

4. This aspect can be adjudicated only by the jurisdictional civil Court. It cannot be gone into by the revenue authority. The impugned order does not call for any



interference. The petitioner is at liberty to move the jurisdictional civil Court seeking appropriate relief.

5. With this liberty to the petitioner, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

12.01.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

The District Revenue Officer,
Sivagangai,
Sivagangai District.



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G.R.SWAMINATHAN,J.

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