



W.P.(MD)No.17964 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 08.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.17964 of 2021

KM.Ramanathan

... Petitioner

Vs.

1.The Commissioner ,
Tamil Nadu Land Administration Department,
2nd Floort, Ezhilagam, Chepauk,
Chennai - 600 005.

2.The District Collector,
Sivagangai District,
Sivagangai.

3.The District Revenue Officer,
Sivagangai District,
Sivagangai.

...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 1st respondent to dispose of the petitioner's appeal dated 05.07.2021 submitted in respect of rectification of the wrongful classification of petitioner's land in old S.No. 159/Part, New S.No.605 to an extent of 1.23.35 Hectares - North-west direction 0.22.6 Ares of land situated at Palavankudi Village, Aranmanaipatti Group, Karaikudi Taluk, Sivagangai District, within a time frame as may be fixed by this Court.

For Petitioner : Mr.P.Kalaiyarasi Bharathi



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For Respondents : Mr.A.K.Manikkam
Special Government Pleader

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ORDER

This writ petition has been filed for the issue of writ of mandamus directing the first respondent to dispose of the appeal filed by the petitioner on 05.07.2021 within the time frame fixed by this Court.

2.Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

3.The case of the petitioner is that he is the owner of the subject property. The petitioner came to know that during UDR scheme, the property was wrongly classified as Oorani. In view of the same, the petitioner made a representation to the third respondent to rectify the said mistake and to issue separate patta. The third respondent through proceedings, dated 28.12.2018 refused to issue separate patta in favour of the petitioner. Aggrieved by the order passed by the third respondent, the petitioner seems to have filed an appeal before the first respondent on 05.07.2021. Since the same was not considered, the present writ petition has been filed.



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4.In the considered view of this Court, filing of an appeal must be traced to some statute, since the appeal is a creature of the statute. The first respondent must have the powers to deal with the so called appeal filed by the petitioner and such power should be traced to some law or Rules or Regulations. There is absolutely no indication under what law such an appeal was filed before the first respondent.

5.In view of the above, this Court cannot issue a writ of mandamus, when it is found that the appeal has been filed without tracing the right of appeal to any statute. Therefore, the relief sought for in the present writ petition cannot be granted by this Court. It is left open to the petitioner to work out his remedy before the competent civil Court and seek for necessary relief. Except giving this liberty, no further orders can be passed in this writ petition.

6.This writ petition is disposed of in the above terms. No costs.

08.11.2023

NCC : Yes / No
Index : Yes/No
Internet : Yes/No
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N.ANAND VENKATESH, J.

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To

- 1.The Commissioner ,
Tamil Nadu Land Administration Department,
2nd Floort, Ezhilagam, Chepauk,
Chennai - 600 005.
- 2.The District Collector,
Sivagangai District,
Sivagangai.
- 3.The District Revenue Officer,
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