



W.P.(MD)No.17661 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.17661 of 2023

Santhanamuthu

... Petitioner

versus

1. The District Collector,
O/o. The District Collector,
Tenkasi District,
Tenkasi.

2. The District Revenue Officer,
O/o. The District Revenue Office,
Tenkasi District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondents to re-consider and pass an appropriate order on his review application dated 16.03.2023 to restore the original patta holders in UDR in Survey No.470/3 and 471/6 admeasuring 8 Ares and 3.50 ares situated in Nelkattumseval Village, Sivagiri Taluk, Tenkasi District, based on the death and legal heirs certificates of the petitioner great grandfather.



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For Petitioner : Mr.M.Sankar

For Respondents : Mr.M.Sarangan,
Additional Government Pleader

ORDER

The petitioner, with a grievance that wrong entries have been made during the UDR Survey, has submitted a representation dated 12.10.2022 to the second respondent/the District Revenue Officer, Tenkasi District. The second respondent has conducted an enquiry and passed an order dated 02.03.2023 stating that the petitioner has not produced the legal heir certificate and death certificate, while conducting the enquiry. The petitioner, after obtaining the death certificate and legal heir certificate, has filed a Review Application before the second respondent to review his own order dated 02.03.2023. However, the second respondent, by a memo dated 12.04.2023, has simply rejected the review application, by referring the earlier order passed by him on 02.03.2023. As against the same, the petitioner has filed this writ petition.



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2. There is no provision enabling the District Revenue Officer to review his own order. The second respondent/the District Revenue Officer, Tenkasi District, has already passed an order dated 02.03.2023. If the petitioner is having any grievance as against the District Revenue Officer, he has to file a suit before the competent Civil Court to establish his right on the subject property. Instead, he has filed the review application before the second respondent/the District Revenue Officer and has now approached this Court that the second respondent has not considered his review application. When the second respondent is not having any power to review his own order, there cannot be any Mandamus as claimed for.

3. Accordingly, this writ petition is dismissed. No costs.

21.07.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

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B.PUGALENDHI, J.

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