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W.P.(MD)NO.19188 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.19188 of 2023

Palpranavanathan

... Petitioner

Vs.

1. The District Revenue Officer-cum-
Additional District Executive Magistrate,
Theni, Theni District.

(R-1 is amended vide order dated 16.11.2023
in W.M.P.(MD)No.16637 of 2023)

2. The Revenue Divisional Officer,
Theni,
Theni District.

3. The Tahsildar,
Theni Taluk,
Theni District.

4. Jeevanatham

5.Saravanakumar

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed in Na.Ka.en.D1/29791/2022 by the first respondent dated 20.12.2022 and set aside the same and direct the second respondent to rehear the order passed in Na.Ka.en.D1/29791/2022.



For Petitioner : Mr.J.Senthil Kumar
For R-1 to R-3 : Mr.M.Prakash,
Additional Government Pleader.
For R-4 & R-5 : Mr.B.Pandiaraj

* * *

ORDER

Heard both sides.

2. The respondents 4 and 5 herein filed an appeal before the Sub Collector, Periyakulam questioning the order dated 26.02.2020 passed by the Tahsildar, Theni, effecting mutation in the revenue record in respect of the petition-mentioned survey numbers. The Sub Collector, Theni allowed the appeal on 20.04.2022. Challenging the same, the petitioner filed W.P.(MD)No.15793 of 2022 before this Court. He also parallelly filed revision before the District Revenue Officer, Theni. The District Revenue Officer, Theni citing the pendency of the writ petition dismissed the revision on 20.12.2022. Challenging the same, the present writ petition came to be filed.



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3. When the matter was taken up for hearing, the learned counsel appearing for the writ petitioner submitted that W.P.(MD)No.15793 of 2022 has since been withdrawn.

4. Therefore, there is no impediment for the District Revenue Officer to consider the issue on merits and in accordance with law. The petitioner had moved before the Tahsildar, Theni and the contesting private respondents moved before the Sub Collector, Periyakulam. The petitioner is therefore entitled to move the District Revenue Officer, Theni. The District Revenue Officer did not hear the matter on merits only for the reason that the petitioner had already challenged the Sub Collector's order before this Court in W.P. (MD)No.15793 of 2022. Since the writ petition has since been withdrawn, it is only just and proper that the matter is remitted to the file of the District Revenue Officer, Theni.

5. In this view of the matter, the order impugned in this writ petition is set aside and the matter is remitted to the file of the District Revenue Officer, Theni. The District



Revenue Officer, Theni, shall issue notice to respondents 4 and 5 and other interested parties if any and pass final order on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order. This writ petition stands allowed. No costs.

16.11.2023

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

PMU

To:

1. The District Registrar,
Theni,
Theni District.
2. The Revenue Divisional Officer,
Theni,
Theni District.
3. The Tahsildar,
Theni Taluk,
Theni District.



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G.R.SWAMINATHAN,J.

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