



WP(MD)No.17989 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 10.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.17989 of 2014

A.Amanulla

... Petitioner

v.

1.The District Revenue Officer,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

3.The Tahsildar,
Karaikudi,
Sivagangai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records of the first respondent's proceedings in Na.Ka.C5/36054/2010, dated 16.08.2013 and quash the same and further directing the first respondent to issue patta in the name of the petitioner for the land in S.No.81/11 to an extent of 0.27.0 hectares in Amaravathi Village.



WP(MD)No.17989 of 2014

For Petitioner : Mr.G.Gomathi Sankar

For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader

ORDER

The request of the petitioner for grant of patta in respect of the land in S.No.81/11 to an extent of 0.27.0 hectares at Amaravathi Village was rejected by the first respondent, by proceedings dated 16.08.2013 and challenging the same, the petitioner has moved this writ petition.

2.Learned Counsel appearing for the petitioner submitted that the petitioner is in occupation of the land for several long years and therefore, the petitioner has made a request for grant of patta, however, the same was rejected without affording an opportunity to the petitioner.

3.Perusal of the impugned order reveals that the petitioner has preferred an appeal as against the orders of the Revenue Divisional Officer in



WP(MD)No.17989 of 2014

Moo.Mu.A1/222/2012, dated 29.04.2013, rejecting his request for grant of patta, before the District Revenue Officer, the revisional authority. The first respondent / revisional authority has also posted the matter for enquiry on 08.07.2013, 22.07.2013, 30.07.2013 and on 13.08.2013, however, none represented the petitioner. Since there was no representation for the petitioner, the first respondent has passed the impugned order that this petitioner has not produced any records to substantiate his claim for patta.

4. Without even enclosing the order passed by the Revenue Divisional Officer in Moo.Mu.A1/222/2012, dated 29.04.2013, which was the subject matter of the impugned order passed by the first respondent, the petitioner has filed this writ petition. Be that as it may, the grievance of the petitioner is that without affording him an opportunity of hearing, the first respondent has passed the order. But, on a perusal of the impugned order, it appears that sufficient opportunities were provided to the petitioner and he failed to utilise the same. Therefore, based on the available materials, the first respondent had passed the impugned order.



WP(MD)No.17989 of 2014

5.This Court is, therefore, not inclined to entertain this writ petition and the same is accordingly dismissed. However, it is open to the petitioner to establish his right in the manner known to law before the competent civil Court. No costs.

Index : Yes / No
NCC : Yes / No
gk

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WP(MD)No.17989 of 2014

B.PUGALENDHI, J.

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WP(MD)No.17989 of 2014

10.03.2023