



W.P(MD)No.12562 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12562 of 2015
and
M.P.(MD)No.1 of 2015

Balu @ Balasubramanian

... Petitioner

Vs.

1.The District Revenue Officer,
Thanjavur.

2.The Revenue Divisional Officer,
Thanjavur.

3.The Tahsildar,
Kumbakonam Taluk,
Thanjavur District.

4.Gunavathy @ Gunavathiammal

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call the records relating to the proceedings of the 2nd respondent made in R.T.R.A.P.No.3 of 2012-A dated 01.04.2013 and the consequential order of the 1st respondent made in C.Ma.Tha.Pa.2/2014-H3-dated 09.04.2015 and quash the same.

For Petitioner : Mr.K.Govindarajan



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For Respondents : Mr.S.RA.Ramachandran
Additional Government Pleader for R1 to R3
: Mr.Niranjan S.Kumar for R4

ORDER

Heard both sides.

2. The petitioner applied to the jurisdictional Tahsildar for recording him as a cultivating tenant in respect of the petition mentioned agricultural land. The application was allowed. Aggrieved by the same, the fourth respondent filed an appeal before the Special Deputy Collector, Thanjavur. The Special Deputy Collector, Thanjavur vide order dated 01.04.2013 remanded the matter for fresh consideration. Challenging the same, the petitioner moved the District Revenue Officer, Thanjavur who confirmed the order passed by the Revenue Divisional Officer. Questioning the same, the present writ petition came to be filed.

3. The fourth respondent claims ownership over the petition mentioned land. The fourth respondent was very much shown as respondent in the application filed before the original authority. The 4th respondent did not file any counter statement nor appeared at the time of enquiry. That is why, an



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exparte order came to be passed. The appellate authority after taking note of the rival contentions felt that the fourth respondent herein deserve to be given one more opportunity. Since substantial civil rights are involved, an equitable order came to be passed. Since the revisional authority has also confirmed the same, in exercise of writ jurisdiction, I do not deem it fit and appropriate to interfere with the discretional order. The impugned orders do not operate to the prejudice of the petitioner. The matter has only been remanded for fresh consideration.

4. In this view of the matter, the writ petition is dismissed. I make it clear that the merits have not been gone into. No costs. Consequently, connected miscellaneous petition is closed.

31.08.2023

Index : Yes / No
Internet : Yes/ No
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To

- 1.The District Revenue Officer,
Thanjavur.
- 2.The Revenue Divisional Officer,
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- 3.The Tahsildar,
Kumbakonam Taluk,
Thanjavur District.



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G.R.SWAMINATHAN, J.

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