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W.P.(MD)NO.12754 OF 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.12754 of 2015 AND

M.P.(MD)No.1 of 2015

V.Muniyandi

... Petitioner

Vs.

1. The District Collector,
Dindigul District,
Dindigul.
2. The Revenue Divisional Officer,
Kodaikanal,
Dindigul District.
3. The Tahsildar,
O/o.Taluk Office,
Kodaikanal,
Dindigul District.
4. The Special Tahsildar(Land Assignment),
Kodaikanal,
Dindigul District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings Na.ka.No.1076/04/A1 dated 20.02.2004 and quash the same as illegal.



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For Petitioner : Mr.M.Mohamed Zamil,
for M/s.Ajmal Associates.

For Respondents : Mr.N.Satheesh Kumar,
Additional Government Pleader.

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner challenges the impugned order passed by the Revenue Divisional Officer, Kodaikanal cancelling the patta issued in favour of the petitioner and directing restoration of the earlier position of the land as sarkar tharisu.

3. The stand of the third respondent is that the petitioner has obtained patta on the strength of bogus documents.

4. The stand of the learned counsel appearing for the petitioner is that no notice was however issued to the petitioner herein. It is seen that the impugned order was passed way back in the year 2004. The writ petition was filed only in June 2015.



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5. The learned counsel appearing for the petitioner states that the petitioner filed the writ petition after he became aware of the passing of the impugned order. Since factual aspects are involved, the writ Court may not be in a position to go into the same. The petitioner has to establish that the documents based on which patta was issued to him are genuine and not bogus.

6. I therefore dispose of the writ petition by permitting the petitioner to file an appeal before the District Revenue Officer, Dindigul. If such an appeal is filed within a period of five weeks from the date of receipt of a copy of this order, the District Revenue Officer, Dindigul shall entertain the same without reference to limitation and dispose it of on merits and in accordance with law.

7. I make it clear that I have not gone into the merits of the matter. The impugned proceedings will abide by the outcome of the order that may be passed by the District Revenue Officer, Dindigul on the appeal petition that may be



filed by the petitioner herein. This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

11.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

1. The District Collector,
Dindigul District,
Dindigul.
2. The Revenue Divisional Officer,
Kodaikanal,
Dindigul District.
3. The Tahsildar,
O/o.Taluk Office,
Kodaikanal,
Dindigul District.
4. The Special Tahsildar(Land Assignment),
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G.R.SWAMINATHAN,J.

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