



W.P(MD)No.17179 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17179 of 2015

and

M.P.(MD)Nos.2 of 2015

1.Shaheetha Beevi

2.Mohamed Ali

3.Arif

4.Kamarunnissa Begum

... Petitioners

Vs.

**1.The Revenue Divisional Officer,
Pattukottai,
Thanjavur District.**

**2.The Tahsildar,
Peravurani Taluk,
Thanjavur District.**

**3.Minnakanachia Ammal Darga
Rep. by its hereditary trustee,
Ahamed Ibrahim,
Pallivasal Street,
Sambaipattinam,
Ravuthanvayal,
Peraoorani Taluk,
Thanjavur District.**

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned proceedings issued by the first respondent in no. Tha. Pa.1/2014 A. 4 dated 18.8.2015 and quash the same.

For Petitioners : Mr.S.Ramsundar Vijayraj

For Respondents : Mr.N.Satheesh Kumar

Additional Government Pleader for R1 & R2

: Mr.C.Bharathi for R3

ORDER

Heard the learned counsel on either side.

2. The case of the petitioner is as follows:-

The property comprised in Survey Nos.24/2 to 24/9 measuring an extent of 1.66 hectares situated at Peravurani Taluk, Thanjavur District belonged to Asankandu Maraikkayar. He was blessed with two sons namely Mohammed Thambi Maraikkayar and Mohammed Ali Maraikkayar. Asankandu Maraikkayar and Mohammed Thambi Maraikkayar executed Will in favour of Mohammed Ali Maraikkayar on 24.12.1932. The said Mohammed Ali Maraikkayar had a son who was also named as Asankandu Maraikkayar. The first petitioner is the wife of the said Asankandu Maraikkayar. The other three petitioners



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are his children. The said Asankandu Maraikkayar filed O.S.No.66 of 1991 on the file of the District Munsif Court, Pattukottai seeking the relief of permanent injunction against third parties. The suit was decreed as prayed for. Thereafter, Asankandu Maraikkayar appealed before the Revenue Divisional Officer, Pattukkottai for questioning the order passed by the Regional Deputy Tahsildar, Peravurani on 24.01.1997 effecting mutation in the revenue record. The appeal was allowed on 06.07.1998. Thereafter, the property continued to stand in the name of Asankandu Maraikkayar. While so, the impugned order dated 18.08.2015 came to be passed by the Revenue Divisional Officer, Pattukkottai cancelling the earlier mutation in favour of Asankandu Maraikkayar and restoring the names as per UDR. This is put to challenge in this writ petition.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned order and grant relief as prayed for.



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4. The learned Additional Government Pleader appearing for R1 & R2 as well as the learned counsel appearing for the third respondent submitted that the impugned order is well reasoned and that it does not warrant interference. They pressed for dismissal of the writ petition.

5. I carefully considered the rival contentions and went through the materials on record. I need not go into the factual controversy at all. It is seen from the record that the Revenue Divisional Officer, Pattukkottai passed an order in favour of the petitioner's family on 06.07.1998. If the RDO's order was erroneous, it could have been set aside only by the next higher authority namely District Revenue Officer. Another RDO cannot recall the said order after a lapse of 17 years in the year 2015. The learned counsel for the petitioner drew my attention to the decision of the Hon'ble Apex Court reported in (1987) 4 SCC 525 (Dr.(smt) Kuntesh Gupta Vs. Management of Hindu Kanya Maha Vidyalaya Sitapur) for the proposition that a quasi-judicial authority cannot review its own order unless the power of review is expressly conferred on it by the statute under which it



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derives its jurisdiction. The Revenue Divisional Officer has no power to review his own order. It is open to the aggrieved parties to invoke the remedies available under law. I make it clear that I have not gone into the merits of the matter. I have interfered only on the point of jurisdiction.

6. In this view of the matter, the order impugned in the writ petition is set aside. The writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

25.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To

1.The Revenue Divisional Officer,
Pattukottai,
Thanjavur District.

2.The Tahsildar,
Peravurani Taluk,
Thanjavur District.



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G.R.SWAMINATHAN, J.

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