



WEB COPY



W.P.(MD)Nos.20136 and 20137 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)Nos.20136 and 20137 of 2023
and W.M.P.(MD)No.16599 to 16602 of 2023

R.Dhandapani

... Petitioner in both W.Ps.

versus

1. The District Revenue Officer,
Dindigul District,
Dindigul.

2. The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Palani, Dindigul District.

3. The Tahsildar,
Ottanchatram Taluk,
Ottanchatram,
Dindigul District.

4. Kandhasamy
(R4 is impleaded vide order dated 21.08.2023
passed in W.M.P.(MD)Nos.16808
and 16837 of 2023)

... Respondents in both W.Ps.

Prayer in W.P.(MD)Nos.20136 of 2023 : Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records relates to the



W.P.(MD)Nos.20136 and 20137 of 2023

impugned Notice passed by the 3rd respondent dated 08.08.2023 vide his proceedings in Na.Ka.No.537/20200/S and consequently, direct the 3rd respondent to conduct the survey of land in S.F.Nos.199/3A, 199/3B, 199/3C, 199/3D, 199/3E and 199/3F situated in Edaiyakottai Village, Ottanchatram Taluk, Dindigul District, based on the outcome of appeal dated 09.02.2023 pending before the first respondent.

Prayer in W.P.(MD)Nos.20137 of 2023 : Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records relates to the Impugned Order passed by the 1st respondent dated 08.03.2023 vide his proceedings in Na.Ka.No.59/2022/Aa6 and consequently, direct the 1st respondent to dispose the appeal filed by the petitioner dated 09.02.2023.

For Petitioner in

both W.Ps. : Mr.S.Krishnan

For R1 to R3 in : Ms.D.Farjana Ghoushia

both W.Ps. : Special Government Pleader

For R4 in both

W.Ps. : Mr.Maheswaran

COMMON ORDER

W.P.(MD)No.20136 of 2023 is filed as against the impugned Notice passed by the 3rd respondent dated 08.08.2023 and also for a consequential direction to the 3rd respondent to conduct survey in the



W.P.(MD)Nos.20136 and 20137 of 2023

lands in S.F.Nos.199/3A, 199/3B, 199/3C, 199/3D, 199/3E and 199/3F situated in Edaiyakottai Village, Ottanchatram Taluk, Dindigul District, based on the outcome of appeal dated 09.02.2023 pending before the first respondent

2. W.P.(MD)No.20137 of 2023 is filed as against the passed by the 1st respondent dated 08.03.2023 and also for a consequential direction to the first 1st respondent to dispose the appeal filed by the petitioner dated 09.02.2023.

3. The learned counsel appearing for the petitioner submits that the lands in S.F.Nos.199/3A, 199/3B, 199/3C, 199/3D, 199/3E and 199/3F situated in Edaiyakottai Village, Ottanchatram Taluk, Dindigul District, belong to the petitioner and his brother one Kandasamy, 4th respondent herein. Thereafter, as per the terms of partition between the petitioner and his brother, separate patta was also issued in favour of the petitioner and his brother Kandasamy. While so, the 4th respondent



W.P.(MD)Nos.20136 and 20137 of 2023

Kandasamy preferred an application before the second respondent/the Revenue Divisional Officer, Palani, Dindigul District, requesting him for cancellation of earlier sub division of the year 2008 and to conduct fresh survey stating that there are some discrepancies in the FMB sketch, A Register and Chitta in respect of these lands. The second respondent, by his proceedings dated 13.01.2023, passed an order cancelling the earlier sub division of the year 2008 and directed the 3rd respondent to conduct fresh survey and make sub division. As against the same, the petitioner preferred an appeal before the first respondent/the District Revenue Officer, Dindigul and the same is pending. While so, the 3rd respondent/the Tahsildar, Ottanchatram, by his proceedings in Na.Ka.No.537/20200/S dated 08.08.2023, has issued a summon, calling upon the petitioner to appear for enquiry on 18.08.2023 at 11.00 a.m. As against the enquiry notice dated 08.08.2023 the petitioner has filed a writ petition in W.P.(MD)No. 20136 of 2023. In the meantime, the first respondent/the District Revenue Officer, Dindigul, based on the direction of the District



W.P.(MD)Nos.20136 and 20137 of 2023

Collector, Dindigul, by his proceedings dated 08.03.2023, forwarded the applications, which have been received for change of patta, to the 3rd respondent/the Tahsildar, Ottanchatram with a direction to conduct enquiry and dispose of all the application. In that proceedings dated 08.03.2023, the petitioner's appeal is also referred. Therefore, the petitioner has filed another writ petition in W.P.(MD)No.20137 of 2023 as against the proceedings of the first respondent dated 08.03.2023.

4. Mr.Mahesh Babu, learned counsel appearing for the 4th respondent submits that the summons issued by the 3rd respondent/the Tahsildar, Ottanchatram, is only for an enquiry pursuant to the order of the 2nd respondent/the Revenue Divisional Officer, Palani, dated 13.01.2023 and it is in no way connected with the Memorandum dated 08.03.2023. Insofar as W.P.(MD)No.20137 of 2023 is concerned, the learned counsel appearing for the 4th respondent submits that the first respondent, by his proceedings dated 08.03.2023, forwarded the



W.P.(MD)Nos.20136 and 20137 of 2023

petitioner's application to the 3rd respondent for enquiry, without knowing the appeal proceedings filed before him.

5. This Court considered the rival submissions made and perused the materials available on record.

6. It appears that on the application of the 4th respondent, the 2nd respondent/the Revenue Divisional Officer, Palani, has already passed an order on 13.01.2023 which is under challenge before the first respondent/the District Revenue Officer, Dindigul, by way of an appeal No.Na.Ka.No.637337/2023. But, the first respondent, without knowing the appeal filed by the petitioner and based on the instruction of the District Collector, Dindigul, has mechanically forwarded all applications to the 3rd respondent/the Tahsildar, Ottanchatram. Therefore, this Court is inclined to set aside the impugned order dated 08.03.2023 and impugned Notice dated 08.08.2023.



W.P.(MD)Nos.20136 and 20137 of 2023

7. Accordingly, both the writ petitions are allowed and the impugned order dated 08.03.2023 passed by the 1st respondent in Na.Ka.No.59/2022/Aa6 and the impugned Notice dated 08.08.2023 passed by the 3rd respondent in Na.Ka.No.537/20200/S are hereby set aside insofar as the petitioner is concerned.

8. The first respondent/the District Revenue Officer, Dindigul District, is directed to conclude the appeal filed by the petitioner as against the order passed by the second respondent/the Revenue Divisional Officer, Palani, Dindigul, dated 13.01.2023, within a period of 12 weeks from the date of receipt of a copy of this order. The 4th respondent shall appear in the appeal proceedings which is pending before the District Revenue Officer, Dindigul and shall co-operate for the early disposal of the appeal as directed by this Court. No costs. Consequently, connected miscellaneous petitions are closed.

21.08.2023

ogy

NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

7 / 8



WEB COPY



W.P.(MD)Nos.20136 and 20137 of 2023

B.PUGALENDHI, J.

ogy

To

1. The District Revenue Officer,
Dindigul District,
Dindigul.
2. The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Palani, Dindigul District.
3. The Tahsildar,
Ottanchatram Taluk,
Ottanchatram,
Dindigul District.

W.P.(MD)Nos.20136 and 20137 of 2023

21.08.2023