



W.P(MD)No.5372 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5372 of 2015

and

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

Sunoliya Jeraldin

... Petitioner

Vs.

1.The Director,
Land Survey and Land Reforms,
Survy Illam, Third Floor,
Chepauk, Chennai-5.

2.The Commissioner,
Kumbakonam Municipality,
Kumbakonam,
Thanjavur District.

3.The Sub Collector,
Kumbakonam,
Thanjavur District.

... Respondents

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 relating to the impugned notice bearing Na.Ka.No. U(1)/9400/2015 dated 17. 03.2015 issued by the 1st respondent.



WEB COPY



W.P(MD)No.5372 of 2015

For Petitioner : Mr.K.Samidurai

For Respondents : Mr.S.RA.Ramachandran
Additional Government Pleader for R1 & R3

: Mr.M.Rajarajan for R2

ORDER

Heard the learned counsel on either side.

2. The petitioner applied to the settlement officer for issuance of patta in respect of the petition mentioned land. Patta was granted in favour of the petitioner on 22.08.2014. Aggrieved by the same, the local body filed an appeal before the settlement officer, Chepauk, Chennai. The settlement officer granted stay on 24.02.2015 and issued notice to the petitioner calling upon the petitioner to appear for hearing on 08.04.2015. Challenging the enquiry notice dated 17.03.2015, the present writ petition came to be filed.

3. I called upon the learned Additional Government Pleader to clarify under what provision of law, the local body preferred an appeal. The respondents have clarified that under G.O.Ms.No.103, Revenue Department, dated 01.03.2017, an appeal would lie before the Assistant Settlement Officer against any order passed by the Settlement Tahsildar for rough patta. Now, there has been an amendment *vide G.O.Ms.No.487, Revenue and Disaster Management dated 13.07.2022* substituting the expression “Revenue Divisional



W.P(MD)No.5372 of 2015

Officer” for the expression “Assistant Settlement Officer”. This G.O has been published in Tamil Nadu Government Gazette No.439, dated 06.09.2022. The fact remains that the petitioner has been issued with patta by the settlement Tahsildar. The fact remains that any aggrieved person can file an appeal before the Assistant Settlement Officer. Now, the power is vested with the jurisdictional Revenue Divisional Officer. Therefore, the question of interfering with the impugned order does not arise at all. The Writ Petition is disposed of with a direction to the Assistant Settlement Officer, Chennai to transfer the petition mentioned appeal filed by the second respondent to the file of the Revenue Divisional Officer, Kumbakonam. Interim order earlier granted on 24.02.2015 will hold good till the disposal of the appeal by the Revenue Divisional Officer, Kumbakonam. The transfer of the file shall be done within a period of three weeks from the date of receipt of a copy of this order. The Revenue Divisional Officer, Kumbakonam shall dispose of the appeal on merits and in accordance with law after notice to all the concerned parties within a period of three months thereafter. No costs. Consequently, connected miscellaneous petition is closed.

28.08.2023

Index : Yes / No
Internet : Yes/ No
rmi



WEB COPY



W.P(MD)No.5372 of 2015

G.R.SWAMINATHAN, J.

rmi

To

- 1.The Director,
Land Survey and Land Reforms,
Surveye Illam, Third Floor,
Chepauk, Chennai-5.
- 2.The Sub Collector,
Kumbakonam,
Thanjavur District.

W.P(MD)No.5372 of 2015

28.08.2023