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W.P.(MD)NO.26194 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.26194 of 2023

P.Ganesan

... Petitioner

Vs.

1. The Commissioner,
Land Administration,
Chepauk,
Chennai – 600 005.
2. The District Revenue Officer,
Dindigul District,
Dindigul.
3. The Revenue Divisional Officer,
Palani,
Dindigul District.
4. The Tahsildar,
Gujiliamparai Taluk Office,
Gujiliamparai,
Dindigul District.
5. Sakthivel

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 1st respondent in his proceedings Letter No.F1/4990260/2023 dated 08.09.2023 and quash the same as



illegal and arbitrary and consequently direct the 1st respondent herein to give opportunity to the petitioner and consider his documents and pass order on merits and in accordance with law.

For Petitioner : Mr.G.Gomathisankar
For R-1 to R-4 : Mr.V.Nirmal Kumar,
Government Advocate.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for the official respondents.

2. Issuance of notice to the fifth respondent is dispensed with.

3. The petitioner suffered an adverse order at the hands of the Revenue Divisional Officer, Dindigul. Questioning the same, he filed W.P.(MD)No.1903 of 2021. He also parallelly filed an appeal before the District Revenue Officer, Dindigul. The appeal was dismissed by the District Revenue Officer.



Questioning the same, he moved the CLA, Chepauk, Chennai.

He however did not enclose the order passed by the District Revenue Officer. The CLA issued the impugned memo dated 08.09.2023 dismissing the revision filed by the petitioner on two grounds; a) Failure to enclose the order passed by the District Revenue Officer, Dindigul and b) Parallel invocation of writ jurisdiction against the order passed by the Revenue Divisional Officer before the Madurai Bench of Madras High Court.

4. The learned counsel appearing for the petitioner states that W.P.(MD)No.1903 of 2021 was disposed of on 11.10.2023 on the ground that the matter has become infructuous. The petitioner has suffered double whammy. The writ remedy also turned out to be infructuous. The CLA has also shown the door to the petitioner. The petitioner cannot be left remediless.

5. The learned counsel appearing for the petitioner states that he will file a fresh revision before the CLA within a period of four weeks from the date of receipt of a copy of this



order. He further undertakes that the order passed by the District Revenue Officer will be enclosed. Since such submission has been made, the impugned order is set aside.

6. The petitioner is given liberty to file a fresh petition before the first respondent within a period of four weeks from the date of receipt of a copy of this order. If within the aforesaid time limit, the revision petition is filed in appropriate format, the same will be entertained without reference to limitation. It will be given a disposal on merits and in accordance with law. I make it clear that this order shall not be construed as casting any reflection on the rights of the fifth respondent. All the contentions and the defences of the fifth respondent are left open. Final order shall be passed by the first respondent only by issuing notice to the fifth respondent and after hearing the interested parties, if any. This writ petition stands disposed of accordingly. No costs.

02.11.2023

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



To:

1. The Commissioner,
Land Administration,
Chepauk,
Chennai – 600 005.
2. The District Revenue Officer,
Dindigul District,
Dindigul.
3. The Revenue Divisional Officer,
Palani,
Dindigul District.
4. The Tahsildar,
Gujiliamparai Taluk Office,
Gujiliamparai,
Dindigul District.



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G.R.SWAMINATHAN,J.

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