



Order dated 08.02.2024 in
W.P.No.13606 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.02.2024

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.13606 of 2018

Sri Sadavarthi Choultry,
Rep. by the Executive Officer,
Amaravathy, Guntur District,
Andhra Pradesh.

.. Petitioner

Vs.

1. The Additional Chief Secretary/
Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai-600 005.

2. The District Revenue Officer,
Collector's Office,
Kancheepuram,
Kancheepuram District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the first respondent in his proceeding bearing Ref.No.K/28601/2017, dated 10.04.2018 and quash the same and consequently to direct the first respondent to take on file the petitioner's Revision Petition presented on 26.12.2017 as against an order passed by the District Revenue Officer, Kancheepuram, dated 29.11.2017 in his proceeding bearing No.Rc18649/2010/N2 and to dispose of the same on merits.



WEB COPY



Order dated 08.02.2024 in
W.P.No.13606 of 2018

For petitioner : Mr.S.Uyakumar

For respondents: Mr.P.Kumaresan, Addl. Advocate General
assisted by Mrs.V.Yamunadevi, Spl.G.P.

ORDER

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the first respondent in his proceeding bearing Ref.No.K/28601/2017, dated 10.04.2018 and quash the same and consequently to direct the first respondent to take on file the petitioner's Revision Petition presented on 26.12.2017 as against an order passed by the District Revenue Officer, Kancheepuram, dated 29.11.2017 in his proceeding bearing No.Rc18649/2010/N2 and to dispose of the same on merits.

2. Learned counsel for the petitioner submitted that the Commissioner of Land Administration has not decided the Revision Petition on merits and he had observed said the petitioner has no right of filing the appeal/revision, but he has not filed the appeal as per the Government Order in force. After abolition of the Land Tribunal, the aggrieved party can file appeal against the order of the Revenue Divisional Officer before the District Revenue Officer and after passing of the order by the District Revenue Officer, if even though a person is aggrieved



Order dated 08.02.2024 in
W.P.No.13606 of 2018

by the same, he can file Revision Petition before the Government and the Government has delegated power to the Commissioner of Land Administration to deal with the Revision Petition and pass orders, whereas in this case, the Commissioner of Land Administration, without looking into the matter on merits, had testified the order of the District Revenue Officer simply and he has passed order observing that the writ petitioner herein has no right of Revision and therefore, he dismissed the Revision Petition, which warrants interference by this Court.

3. Learned Additional Advocate General appearing for the respondents submitted that, already, way back in the year 1975, the matter was settled even prior to that the land was classified as 'Anadeenam' land and aggrieved by the same, if the challenge is even to the portion of one year from the change of classification, he has not filed the same, and therefore, he filed the Revision Petition only in the year 2017 and a Writ Petition was filed before this Court in W.P.No.28178 of 2017. This Court, by order dated 14.09.2017 directed to dispose of the appeal and therefore, the District Revenue Officer has disposed of the appeal, however the petitioner has no right and title or entitlement to get any Patta and therefore, there is no perversity in the impugned order passed by the Commissioner of Land Administration.

4. Heard both sides and perused the materials available on record.

Page No.3/7



Order dated 08.02.2024 in
W.P.No.13606 of 2018

WEB COPY

5. Admittedly, without expressing any opinion on the merits of the matter, it is seen that in paragraph 4 of the impugned order, it is observed as follows:

"4. In these circumstances, though the time limit has lapsed, the District Revenue Officer has passed orders only on the directions issued by the Hon'ble High Court of Madras in W.P.No.28178/2017. Hence, in this office letter 4th cited the legal opinion of the learned Advocate General of Tamil Nadu was sought for on the maintainability of the appeal petition. The learned Advocate General in his letter 5th cited has given his considered opinion as follows:

"In such view of the matter, I am of the opinion that since a right of appeal can only be conferred by statute, in the instant case, there being no statutory provision which confers the right of appeal, the appeal itself is not maintainable. The petitioner may have other legal remedies, but an appeal to the Commissioner of Land Administration is certainly not one which is maintainable in law."

6. Therefore, it shows that the impugned order passed by the first respondent is based on the simple fact that the District Revenue Officer disposed



Order dated 08.02.2024 in
W.P.No.13606 of 2018

of the Revision/Appeal based on the direction given by this Court in W.P.No.28178 of 2017 and as per the opinion of the learned Advocate General, the appeal is not maintainable, which warrants interference by this Court. However, the impugned order does not speak for any reason for rejection, and therefore, the impugned order passed by the Commissioner of Land Administration is set aside and the matter is remitted back to the Commissioner of Land Administration and therefore, the Commissioner of Land Administration shall take up this matter as a fresh one and after giving an opportunity of hearing to the petitioner herein and the rival claimants/interested parties/objectors, as the case may be and after hearing them, dispose of the Revision Petition on merits and in accordance with law. The above entire exercise shall be completed within a period of two months from today.

7. With the above observations and direction, the Writ Petition is disposed of. There shall be no order as to costs.

08.02.2024

CS

Page No.5/7



WEB COPY



Order dated 08.02.2024 in
W.P.No.13606 of 2018

To

1. The Additional Chief Secretary/
Commissioner of Land Administration,
Ezhilagam, Chempauk,
Chennai-600 005.
2. The District Revenue Officer,
Collector's Office,
Kancheepuram,
Kancheepuram District.



WEB COPY



Order dated 08.02.2024 in
W.P.No.13606 of 2018

P. VELMURUGAN, J

CS

W.P.No.13606 of 2018

08.02.2024

Page No.7/7