



W.P.No.35717 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.35717 of 2023

and

W.M.P.Nos.35700 & 35701 of 2023

S.Ananthan

... Petitioner

Vs.

- 1 The District Revenue Officer,
Chennai Collectorate,
Rajaji Salai,
Chennai 600 001.
- 2 The Revenue Divisional Officer ,
Chennai Central Division Park Road,
Chennai- 600 101.
- 3 The Tahsildar
Taluk office,
Ambattur,
Chennai District.
- 4 V.N.Devadoss

... Respondents



W.P.No.35717 of 2023

PRAYER:
WEB COPY

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the proceedings of the 1st respondent made in Na.Ka.No. J8/ 10489/ 2022 dated 17.03.2023 and quash the same and consequently direct the 1st respondent to conduct fresh enquiry on the petitioner's Revision Petition dated 02.04.2022 by furnishing the counter statement and documents filed by the 3rd and 4th respondents before the 2nd respondent and the Revenue Records pertaining to Survey No. 236/2 of Padi Village Ambattur Taluk Chennai District maintained by the office of the 3rd respondent.

For Petitioner : Mr.S.Gunasekaran

For R1 to R3 : Mr.T.Arunkumar
Additional Government Pleader

For R4 : Mr.N.Manokaran
for Mr.V.Ayyapparaja



W.P.No.35717 of 2023

ORDER

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, calling for the records of the proceedings of the first respondent made in Na.Ka.No. J8/ 10489/ 2022 dated 17.03.2023 and to quash the same and to direct the first respondent to conduct fresh enquiry on the petitioners Revision Petition dated 02.04.2022 by furnishing the counter statement and documents filed by the third and fourth respondents before the second respondent and the Revenue Records pertaining to Survey No. 236/2 of Padi Village Ambattur Taluk Chennai District maintained by the office of the third respondent.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the official respondents and the learned counsel for the private respondent and perused the materials available on record.



W.P.No.35717 of 2023

WEB COPY

3. The petitioner already had filed a writ petition before this Court, in which, this Court vide order dated 12.08.2021 in W.P.No.28341 of 2019 directed the respondents to dispose of the petitioner's representation. Thereafter, the first respondent has given opportunity to both the parties and recorded the statement and based on the same, they passed the impugned order stating that the petitioner has not produced all the relevant title document and hence they are unable to give the relief to him. Further, the petitioner has been directed to approach the Civil Court, if he is aggrieved by the order passed by the respondents. The petitioner once again has filed the present writ petition to quash the impugned order and for fresh enquiry.

4. Learned Additional Government Pleader appearing for the official respondents submitted that subsequent to the directions of this Court in the earlier writ petition, notice was served on all the parties and statement of the petitioner was also recorded. Since the petitioner has not produced the title document, the respondents could not give the relief as sought for by the petitioner. Further, they have given direction to the



W.P.No.35717 of 2023

petitioner to approach the Civil Court, if he is aggrieved by the impugned order.

5. Learned counsel for the private respondent/ R4, subsequent to the directions of this Court in the earlier petition in W.P.No.28341 of 2019 dated 12.08.2021, the first respondent has given opportunity to all the parties and considering the materials which were submitted before them and the impugned order was passed. Therefore, there is no need to quash the impugned order for the purpose of conducting fresh enquiry.

6. Admittedly, the petitioner made representation before the Tashildar and the Tashildar earlier passed the order. Challenging the same, the petitioner filed an appeal before the RDO. The RDO also, after hearing passed the order on 27.12.2021. Challenging the appellate order of the second respondent, he filed Revision before the first respondent and subsequently he filed the Writ Petition before this Court. This Court, vide order dated 12.08.2021 in W.P.No.28341 of 2019 has given a direction to the first respondent to give opportunity to all the



W.P.No.35717 of 2023

WEB COPY

parties and after receiving the document submitted by them and consider and pass orders.

7. Based on the said order of this Court, the first respondent subsequently issued notice to the petitioner and also to the respondents. The statement of the petitioner was also recorded. Subsequently, the impugned order was passed stating that the petitioner has not produced the related title documents with regard to the relief sought for. Therefore, they could not grant the relief. Already, as per directions of this Court, the first respondent gave opportunity to all the parties and recorded the statement. It is seen from the impugned order that the petitioner has not produced the title documents. Therefore, the first respondent could not grant the positive relief as sought for by the petitioner. However, the petitioner is at liberty to work out his remedy before the Civil Court in the manner known to law.

8. On a perusal of the materials, this Court does not find any irregularity or illegality in the order passed by the first respondent.



W.P.No.35717 of 2023

Therefore the Writ petition is dismissed. However, the petitioner is at liberty to work out his remedy before this Civil Court as directed by the first respondent. The period spent for revision is exempted for the purpose of necessary relief.

9. With the abovesaid direction, the Writ Petition is disposed of.

There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

19.02.2024

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

- 1 The District Revenue Officer,
Chennai Collectorate,
Rajaji Salai,
Chennai 600 001.
- 2 The Revenue Divisional Officer ,
Chennai Central Division Park Road,
Chennai- 600 101.
- 3 The Tahsildar
Taluk office,
Ambattur,
Chennai District.



WEB COPY



W.P.No.35717 of 2023

P.VELMURUGAN, J.

mfa

W.P.No.35717 of 2023
and
W.M.P.Nos.35700 & 35701 of 2023

19.02.2024