



W.P(MD)No.1515 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.1515 of 2022

and

W.M.P.(MD)Nos.1323 of 2022

R.Elango

... Petitioner

Vs.

1.The District Revenue Officer,
D.R.O Office,
District Collector Office,
Trichy-1, Trichy District.

2.The Revenue Divisional Officer,
R.D.O Office,
District Collector Office,
Trichy-1, Trichy District.

3.The Tahsildar (West),
Taluk Office (West),
Taluk Office (West),
Trichy-1,
Trichy District.

4.Thilaga

5. Dhanabalan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus, calling for the



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records relating to 1st respondent proceedings made in Na.Ka.Aa6/1439/2019, dated 26.11.2021, quash the same, and further direct him to consider all the points urged by the petitioner in his appeal and pass appropriate orders within a stipulated time may be fixed by this Court.

For Petitioner : Mr.R.Sundar

For Respondents : Mr.T.Villavankothai
Addl. Government Pleader for R1 to R3.
No appearance for R4 & R5.

ORDER

Heard the learned counsel for the writ petitioner and the learned Additional Government Pleader for the respondents 1 and 3. The fifth respondent / Dhanabalan is the contesting respondent. He had entered appearance through counsel. But the learned counsel has not chosen to appear before this Court to defend the case of the fifth respondent. In fact, to give opportunity, the case was adjourned for more than one occasion.

2.The revenue record in respect of Old S.No.43/5 T.S.No.293 reflected the name of the fourth respondent / Thilaga. She had executed settlement deed dated 19.09.2017 in favour of the petitioner. Without mutating the revenue record in favour of the petitioner, the jurisdictional Tahsildar included the name



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of the fifth respondent and others along with the fourth respondent. Aggrieved by the same, the petitioner filed appeal before the Revenue Divisional Officer, Trichirappalli. The Revenue Divisional Officer, Trichirappalli vide proceedings dated 19.12.2018 dismissed the appeal and confirmed the inclusion of joint names made by the jurisdictional Tahsildar. Challenging the same, the petitioner filed revision before the District Revenue Officer, Trichirappalli. The District Revenue Officer, Trichirappalli also dismissed the revision vide proceedings dated 26.11.2021. Questioning the same, the present writ petition came to be filed.

3. When the matter was taken up for hearing, the learned counsel for the petitioner drew my attention to the grounds taken in the revision petition dated 11.01.2019. The petitioner had contended that even according to the authorities and as per the materials on record, the fifth respondent had purchased 120 sq. ft of land through Court auction purchase. But in the impugned order, the extent of land purchased by the fifth respondent has been mentioned as one cent. But this aspect of the matter has not been dealt with by the Revenue Divisional Officer as well as the District Revenue Officer.



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4.The District Revenue Officer had also stated that the petitioner has not produced any document to show as to how one cent in S.F.No.176/5 belongs to him. This reason is patently unsustainable. Admittedly, Thilaga's name is appearing in the revenue record. Therefore, the revenue authority cannot challenge Thilaga's title. The petitioner has shown that Thilaga had executed a registered settlement dated 19.09.2017 in his favour. Since the contention advanced by the petitioner has not been considered by the District Revenue Officer, Trichirappalli as regards the extent of land belonging to the fifth respondent, the impugned order has to be set aside. It is accordingly set aside. The matter is remitted to the file to the file of the first respondent. The first respondent will issue notice to the petitioner as well as the fifth respondent and thereafter pass an order afresh on merits and in accordance with law.

5.This writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

23.04.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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