



Rev. ApplW.(MD).No.2 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.06.2024

Coram:

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

Rev. ApplW. (MD).No.2 of 2024

1.C.Masthan Kani,
Zonal Deputy Tahsildar,
Chellampatti,
Usilampatti Taluk,
Madurai District.

2.M. Senthamaraivalli,
Head Quarters Deputy Tahsildar,
Thirupparangundram,
Madurai District.

3.P. Vanitha,
Zonal Deputy Tahsildar,
Alanganallur,
Vadipatti Taluk,
Madurai District.

... Petitioners

-Versus-

1.The State of Tamil Nadu,
Rep.by the Principal Secretary,
Revenue Department,
Fort. St. George,
Chennai – 9.

2.The Commissioner of Revenue Administration,
Chepauk, Chennai – 5.

3.The District Collector,
Madurai Collectorate,
Madurai District.



Rev. ApplW.(MD).No.2 of 2024

4.The District Revenue Officer,
Madurai Collectorate,
Madurai District.

5.S. Pratheeba,
Revenue Assistant,
O/o. Vadipatti Taluk.
Vadipatti, Madurai District.

6.V. Sundaravel,
Revenue Inspector,
O/o.Melur Taluk,
Melur, Madurai District.

7.A.Prem Kishore,
Revenue Inspector,
O/o. West Taluk,
Madurai, Madurai District.

8.A.Nagarani
Revenue Inspector,
O/o. Madurai West Taluk,
Madurai District.

9.J.Karthikeyan,
Revenue Inspector,
O/o. South Taluk Madurai,
Madurai District.

10.R.Dhamodharan,
Revenue Assistant,
O/o. The District Adi-Dravidar Scheduled Tribes Welfare Office,
Madurai,
Madurai District.

11.M.R.Muthulakshmi,
Revenue Inspector,
Kulamangalam,
O/o.North Taluk Madurai,
Madurai District.



Rev. ApplW.(MD).No.2 of 2024

12.S.Sentheeswari,
Revenue Inspector,
Valayangulam,
O/o.Thiruparangundram Taluk,
Madurai District.

13.M.Meenakshi Sundaram,
Revenue Assistant,
O/o. Thirumangalam Taluk,
Madurai District.

14.A. Malathi,
Revenue Inspector,
Avaniyapuram,
O/o.South Taluk,
Madurai District.

15.Mugibalan,
Revenue Inspector,
O/o. Peraiyur Taluk,
Madurai District.

16.V.Veeramurugan,
Revenue Inspector,
O/o. Peraiyur Taluk,

17.K.Thirunavukkarasu,
Revenue Assistant,
Collector Office, Madurai,
Madurai District.

... Respondents

Prayer : Review Application filed under Order XLVII Rule 1 r/w Section 114 of Civil Procedure Code, pleased to review the order of this Court dated 09.11.2023 made in W.P.(MD).No.106 of 2016 and allow the review petition and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case.



Rev. ApplW.(MD).No.2 of 2024

For Petitioners : *M/s. S. Arunnithy*
For Respondent 1 to 4 : *Mr. D. Gandhiraj,*
Special Government Pleader
For Respondents : *Mr. Karthik*
5 & 7 to 17
For Respondent 6 : *Mr. G. Thalaimutharasu*

ORDER

This review seeks to set aside the order passed by me in W.P.(MD)No. 106 of 2016 dated 09.11.2023.

2. The parties will be referred to as per their ranks in the writ petition.

3. When the writ petition came up for hearing, none of the private respondents viz., respondents 5 to 7 contested the proceedings. I was led to the seniority list of the year 2011-12 by Mr.G.Karthick who argued that the writ petitioners are senior to the respondents 5 to 7 and therefore, they ought to be placed in superior position than the private respondents. Going by the seniority list then prevailing, I allowed the writ petition.

4. After the writ petition came to be allowed, Mr.S.Arunnithy moved this review petition pleading that though the respondents had been served, they



Rev. ApplW.(MD).No.2 of 2024

could not engage a counsel and bring it to the notice of the court that infact the respondents 5 to 7 in the writ petition are senior to the writ petitioners.

Mr.S.Arunnithy also brought to my notice that as against the seniority list for the relevant year and for the subsequent year, two appeals had been filed on 25.07.2015 and 02.06.2022.

5. Since the appeals have been pending for more than 9 years at the instance of the fifth respondent, I passed the order directing the Commissioner for Land Administration to take a call on the appeals and report to this Court on or before 13.06.2024.

6. Learned Government Pleader on last occasion produced an order of the Commissioner of Land Administration dated 12.06.2024, whereby he has allowed the appeal filed by Masthan Kani and others viz., respondents 5 to 7 in the writ petition and has placed them as senior to the writ petitioners. This is a subsequent event which will affect the vitality of the order passed by me.

7. I passed the order in the writ petition based on the seniority list that has been produced before me. By the order of the Commissioner of Land Administration dated 12.06.2024, the said seniority list had been revised and therefore, it would relate back to the date on which the seniority list was settled.



Rev. ApplW.(MD).No.2 of 2024

8. Both Mr.G.Karthick and Mr.G.Thalaimutharasu would submit that the order passed by the second respondent is contrary to law and would invite my attention to the fact that a special examination had been conducted for the fifth respondent alone, whereas the departmental exams are concerned including the accounts test, they have to be conducted for the entire District. This is literally an invitation by Mr.G.Karthick and Mr.G.Thalaimutharasu to set aside the order passed by the second respondent/Commissioner.

9. Sitting in review, I cannot enlarge the scope of the petition. The subsequent fact being the order passed by the Commissioner on 12.06.2024, it makes an ocean of difference between the petitioners as well as the private respondents 5 to 7.

10. In the light of the subsequent development, leaving it open to the persons aggrieved to challenge the order passed by the appellate authority dated 12.06.2024 before the Government, this review stands disposed of. No costs.

11. In case, the petitioners move a revision, the Government shall pass appropriate orders on the same within a period of twelve weeks from the date of presentation of the revision petition. Before disposing the revision, the



Rev. ApplW.(MD).No.2 of 2024

Government shall ensure that the petitioners as well as the respondents 5 to 7 are heard.

27.06.2024

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Index : yes / no

Neutral Citation : yes / no

Speaking / Non Speaking Order



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Rev. ApplW.(MD).No.2 of 2024

V.LAKSHMINARAYANAN, J.
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Rev. ApplW.(MD).No.2 of 2024

27.06.2024