



W.A.(MD)No.58 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.A(MD)No.58 of 2022

P.Janaki

... Appellant /
Writ Petitioner

Vs.

- 1.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.
- 2.The Sub Collector cum
Revenue Divisional Officer,
Sivakasi,
Virudhunagar District.
- 3.The Tahsildar,
Sivakasi,
Virudhunagar District.
- 4.The Village Administrative Officer,
Eenjar Village,
Sivakasi Circle,
Virudhunagar District.
- 5.The Block Development Officer,
Eenjar Village,
Saminatham Panchayat,
Sivakasi Circle,
Virudhunagar District.



W.A.(MD)No.58 of 2022

6.The Panchayat President,
Eenjar Village,
Saminatham Panchayat,
Sivakasi Circle,
Virudhunagar District.

... Respondents /
Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent Act to set aside the order dated 09.12.2021 passed in W.P(MD)No.21815 of 2021.

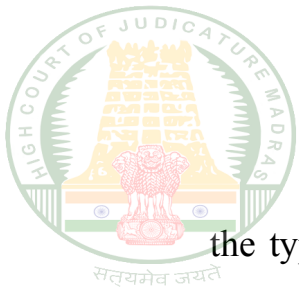
For Appellant : Mr.S.Ramesh

For Respondents : Mr.S.RA.Ramachandran
Additional Government Pleader
for R.1 to R.4

JUDGMENT

Heard both sides.

2.The appellant claims that she is the absolute owner of the property comprised in Survey No.1513/1 in Eenjar Village, Sivakasi Taluk. The appellant felt aggrieved that patta in respect of the said property stood in the name of one Kandasamy. She therefore petitioned the Tahsildar, Sivakasi. The Tahsildar, Sivakasi vide proceedings dated 07.05.2019 mutated the revenue record in favour of the appellant herein. Copy of the patta transfer order dated 27.05.2019 has been enclosed in

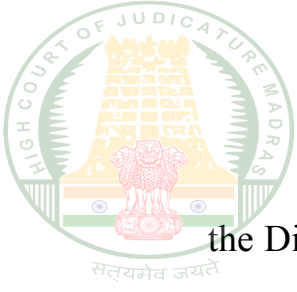


W.A.(MD)No.58 of 2022

the typed set of papers. It appears that the residential association went before the Sub Collector, Sivakasi who vide order dated 18.10.2021 reversed the decision of the Tahsildar, Sivakasi. Aggrieved by the same, the appellant herein went before the District Revenue Officer, Virudhunagar. It appears that the revision dated 02.11.2021 filed before the District Revenue Officer, Virudhunagar is still pending. In the meanwhile, the appellant filed W.P(MD)No.21815 of 2021 calling upon the authorities to remove the 2 check dams and 2 bore wells installed in Survey No.1513/1. The learned single Judge vide order dated 09.12.2021 dismissed the writ petition. Aggrieved by the said order, this Writ Appeal has been filed.

3.We are of the view that when the revenue authority is seized of the matter, it may not be appropriate for the writ Court to enter into the factual aspect. In this view of the matter, order dated 09.12.2021 in W.P(MD)No.21815 of 2021 is set aside. We, however, consciously refrain from going into the merits of the matter.

4.We direct the District Revenue Officer, Virudhunagar to dispose of the revision filed by the appellant herein. Before passing final order,



W.A.(MD)No.58 of 2022

the District Revenue Officer / revisional authority shall put the interested persons and stake holders on notice. The rights of the appellant to demand removal of the check dams / bore wells will abide by the decision of the District Revenue Officer, Virudhunagar. We make it clear that we have not gone into the merits of the matter. The District Revenue Officer shall dispose of the revision petition within a period of twelve weeks from the date of receipt of a copy of this order.

5.This Writ Appeal is disposed of accordingly. No costs.

[G.R.S., J.] [M.J.R., J.]
18.02.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
MGA

To

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W.A.(MD)No.58 of 2022

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W.A.(MD)No.58 of 2022

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M.JOTHIRAMAN, J.

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W.A(MD)No.58 of 2022

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