



W.P.(MD)No.4904 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.04.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.4904 of 2025
and
W.M.P(MD)No.3563 of 2025

Vijithra

.... Petitioner

/Vs/

1. The District Collector
Kanyakumari District, Nagercoil.
2. The District Revenue Officer
Kanyakumari District, Nagercoil.
3. The Revenue Divisional Officer
Padmanabhapuram, Kanyakumari District.
4. The Thasildar
Killiyoor, Kanyakumari District.

5. Sekar

6. Ereniya

.... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the 3rd respondent from



W.P.(MD)No.4904 of 2025

WEB COPY

conducting the enquiry in contradiction with his own order passed in Pa.Mu.Aa3/3817/22 dated 19.09.2022 relating to the land and house situated in Survey No. 2/10A measuring to an extent of 13 Cent Pynkulam Village, Killiyoor Taluk, Kanyakumari District by considering the petitioner's representation dated 03.02.2025.

For Petitioner : Mr.V.Sukumar
For R1 to R4 : Mr.C.Satheesh
Government Advocate

ORDER

The petitioner challenges the impugned notice in Aa3/3806/2023 dated 27.01.2025 on the file of the third respondent.

2.I have heard Mr.V.Sukumar, learned counsel appearing for the petitioner and Mr.C.Satheesh, learned Government Advocate appearing for the respondents 1 to 4.

3. The only ground on which the impugned proceedings of the third respondent is being challenges in this writ petition is that the third respondent has already passed an order in Pa.Mu.Aa3/3817/22 dated 19.09.2022 in respect of the very same property concerning the very same parties and having passed considered order on 19.09.2022 and also



W.P.(MD)No.4904 of 2025

WEB COPY

indicating that party aggrieved can prefer an appeal. It is not open to the third respondent to once again assume jurisdiction and conduct an enquiry.

4. I find force in the submission of the learned counsel for the petitioner in this regard. The third respondent with the order being passed on 19.09.2022 *becomes functo officio* and even under the Act, no power of review is conferred on the third respondent. The only avenue open to the party aggrieved if any, was to prefer an appeal before the District Revenue Officer as against the order of the Revenue Divisional Officer. Therefore, the present proceedings initiated by the third respondent are clearly unsustainable in the eye of law.

5. In view of the above, the writ of mandamus is issued forbearing the third respondent from conducting any enquiry pursuant to the enquiry notice dated 27.01.2025. It is made clear that in the event of the respondents 5 & 6 being aggrieved by the order of the third respondent, dated 19.09.2022, it is only open to the respondents 5 & 6 to take up the matter by way of revision to the District Revenue Officer concerned.



W.P.(MD)No.4904 of 2025

WEB COPY

6. With the above directions, the writ petition is allowed. No costs.

Consequently, connected miscellaneous petition is closed.

Index : Yes / No
NCC : Yes / No
am

02.04.2025

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W.P.(MD)No.4904 of 2025

P.B. BALAJI, J.
am

Order made in
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