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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2025

CORAM

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.6800 of 2025

and

W.M.P.(MD)Nos.5087 & 5088 of 2025

Kuzhipirai Pottramari Kulam Trust,
Represented by its Trustee,
K.Annamalai, S/o.Karuppiah,
19, Thiru.Vi.Ka Street,
Thilagar Nagar,
Karaikudi. : Petitioner

Vs.

1. The District Revenue Officer,
   Pudukkottai District.

2. The Revenue Divisional Officer,
   Pudukkottai.

3. The Thasildar,
   Thirumayam Taluk,
   Pudukottai District.

4. Alagappan

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5.Rajamanikkam : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, to call for the records of the impugned letter in Na.Ka.No.A4/1727/2024 dated 24.12.2024 passed by the second respondent and quash the same and consequently directing the Respondents No.2 and 3 to restore the patta in the name of the petitioner in S.Nos.431/1,2,3,4,5 and 6 of Kuzhipirai Village, Thirumayam Taluk, Pudukkottai District, within stipulated time fixed by this Cour.

For Petitioner : Mr.RM.Arun Swaminathan
For Respondents 1 to 3 : Mr.S.Kameswaran,
Government Advocate

O R D E R

This is an unfortunate case. The petitioner approached this Court in W.P.(MD)No.25477 of 2023 and this Court, by order dated 04.03.2024, held that the impugned proceedings would be kept on hold and the parties will appear before the Revenue Divisional Officer on 18.03.2024 at 03.00 p.m. The Revenue Divisional Officer, Pudukkottai was directed to pass orders afresh on merits and in accordance with law. Pursuant to the said order, the Revenue

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Divisional Officer by communication dated 24.12.2024 in Na.Ka.No.A4/1727/2024, has directed the parties to approach the District Revenue Officer, despite a specific direction issued by this Court to the Revenue Divisional Officer to conduct enquiry and hear the parties and thereafter, pass orders. This communication dated 24.12.2024, is under challenge in the present Writ Petition.

2.Today, the matter is taken up for admission. Learned Government Advocate produced the order passed by the Revenue Divisional Officer dated 05.03.2025. Strangely, the Revenue Divisional Officer records his earlier communication which is impugned in the present Writ Petition as subject Item No.4. However, there is not a whisper in the entire order about the said proceedings dated 24.12.2024. This Court had specifically directed the Revenue Divisional Officer, to inquire into the matter after hearing the parties and pass an order. When the Revenue Divisional Officer has taken a definite stand that the order is appealable to the District Revenue Officer and he has no jurisdiction to hear the matter, it is shocking to see as to how the very same Revenue Divisional Officer can take up the matter and pass orders without even hearing the parties and such action on the part of the Revenue Divisional Officer is clearly contemptuous.

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3.The contention of the learned Counsel for the petitioner that this order now produced as if the Revenue Divisional Officer has passed an order after considering all the points as directed by this Court in the earlier Writ Petition and that it is pre-dated cannot be ruled out. When the third respondent has also washed his hands off saying that he cannot take up the matter, it is not known as to on what basis he has once again taken up the matter and passed an order without even hearing the parties. Therefore, the said order which is now projected to be in compliance with the order in W.P.(MD)No.25477 of 2023, cannot be sustained for even a second. In any event, it is not forming part of the record.

4.The learned Counsel for the petitioner would also invite my attention to the judgments passed in the Civil Court, which went up to privy council and in the second round of litigation, the Appellate Court in A.S.No.50 of 2009, granted a decree declaring the petitioner's right over the subject lands. However, he would invite my attention to the schedule in the decree, where there appears to be a typographical error, mentioning the survey number 431.5 twice. However, the total extent tallies and apparently the duplication was in view of mentioning 431.3 as 431.5. Even in the proceedings of the Revenue Divisional Officer, total extent and the survey numbers which have been set out otherwise tallies with the decree passed in

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A.S.No.50 of 2009, on the file of Sub-Court Pudukkottai. The second respondent, shall therefore take into account the above position, total extent and also his own order dated 08.01.2021, setting out the correct survey number and extent, while considering the petitioner's request.

5.Therefore, the impugned order is set aside and the matter is remitted to the second respondent. The second respondent / Revenue Divisional Officer, Pudukkottai, shall conduct a fresh enquiry, after hearing the parties concerned and after affording an opportunity to them as directed by this Court in W.P.(MD)No.25477 of 2023 dated 04.03.2024 , shall thereafter, pass orders within a period of four [4] weeks from the date of receipt of a copy of this order.

6.Accordingly, this Writ Petition stands allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

14.03.2025

Index :Yes / No
Internet : Yes / No
NCC : Yes/No
MR

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P.B.BALAJI., J.

MR

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