BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2025

CORAM

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

W.P.(MD)No.12441 of 2025
and
W.M.P.(MD)Nos.9067 & 9068 of 2025

1.Mariyam Beevi
2.Aribha Beevi : Petitioners

Vs.

1.The District Revenue Officer,
Office of the District Revenue Office,
Virudhunagar District.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Aruppukottai,
Virudhunagar Diustrict.

3.The Tahsildar,
Office of the Tahsildar,
Thiruchuli Taluk,
Virudhunagar District.

4.P.Sikandar Kasim
5.A.Mohammed Ghouse : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the impugned records issued by the second respondent vide No.Pa.Mu.Aa4L-20/197/2023 dated 09.08.2024 and quash the same as illegal and unconstitutional and consequently direct the second and third respondents to issue a joint patta showing in the names of the petitioner and other legal heirs of petitioner's mother namely Maimpon Beevi W/o. Beer Mohammed in accordance with law.

For Petitioner : Mr.S.Ramakrishnan
For Respondents 1 to 3 : Mrs.K.Malathi,
Additional Government Pleader

O R D E R

The petitioner challenges the order of the Revenue Divisional Officer, setting side the order of the second respondent.

2.The grievance of the petitioner is that though statutory revision is available to the District Revenue Officer concerned, since the Revenue Divisional Officer has foreclosed the right of the writ petitioner by directing the petitioner to approach the Civil Court, the Writ Petition has been filed.

3.I am unable to countenance the said argument for the simple reason that merely because the Revenue Divisional Officer has directed the petitioner to approach the competent Civil Court, by ignoring the vital findings of the Tahsildar, the petitioner will not be deprived of the efficacious remedy under the Statute by way of revision to the District Revenue Officer. Merely because there is no mention about the appeal remedy available in the impugned order, it will not foreclose the right of the petitioner to move statutory revision.

4.The issues which are raised in the Writ Petition are touching factual issues that have been discussed by the Revenue Divisional Officer and therefore, it would be appropriate for the revenue authorities, sitting in revisional jurisdiction, to decide the matter instead of deciding the matter under Article 226 of the Constitution of India, under Writ jurisdiction.

5.In view of the above, giving liberty to the petitioner to file statutory revision before the first respondent within a period of two [2] weeks from the date of receipt of a copy of this order, the Writ Petition is disposed of. It is made clear that any revision filed within two [2] weeks shall be entertained, without putting delay against the petitioner and the first respondent, after hearing the petitioner and the fourth and fifth respondents shall conduct due enquiry and pass final orders on merits and in accordance with law, within a period of twelve [12] weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

29.04.2025

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

To

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Virudhunagar District.

3.The Tahsildar,
Office of the Tahsildar,
Thiruchuli Taluk,
Virudhunagar District.

P.B.BALAJI., J.

MR

W.P.(MD)No.12441 of 2025

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