



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2017

CORAM

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THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P.(MD)No.16545 of 2016andWMP(MD) Nos.12070 and 17077 of 2016

M.Aaron

... Petitioner

Vs.

1.The District Revenue Officer
Thoothukudi District.2.The Revenue Divisional Officer,
Thoothukudi District.3.The Sub Collector
Thoothukudi District.4.The Tahsildar
Thoothukudi Taluk,
Thoothukudi District.

5.A.P.Vanniyarajan

6.Pethumurugan

7.P.Meena

8.Mariamammal

9.Muthumalai

10.Ummu Habeeba Beevi

11.Janobar Ali

12.A.Soram

13.P.Rengaraj

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the impugned order in Na.Ka.Di3/14976/2016 dated 26.07.2016 on the file of the first respondent and quash the same and further directing the first respondent to take the Revision filed by the petitioner dated 28.03.16 on the file and dispose of the same on merits and in accordance with law.

For Petitioner

: Mr.G.Prabhu Rajadurai

For R.1 to R.4

: Mr.T.S.Mohamed Mohideen,
Additional Government Pleader

For R5 to R8, R12 & R13

: Mr.D.Selvanayagam

For R9 to R11

: No Appearance

ORDER

By consent, this writ petition itself is taken up for final disposal.

2. Heard the learned Counsel on either side.

3. According to the petitioner, he and his brother jointly purchased the property in Survey No.114/1A1, through a registered sale deed dated 01.11.2001 and were enjoying the possession. While so, on 01.07.2014, the fifth respondent submitted an application to the third respondent to cancel the subdivisions in respect of Survey No.114/1 and the third respondent, by order dated 25.08.2015, allowed the petition and has cancelled the said sub-divisions. Aggrieved by the same, the petitioner has filed a Revision before the first respondent, which came to be dismissed on 26.07.2016, on the ground that there is a delay of 90 days in filing the Revision and hence, the petitioner has come before this Court with the above said prayer.

4. This Court is of the considered view that there is no impediment for the authorities to pass orders on the issue of grant of patta, on account of delay in preferring the Revision Petition.

5. Under such circumstances, this writ petition is allowed and the impugned order is set aside. The first respondent is hereby directed to take the petitioner's revision petition dated 28.03.2016 on file and pass appropriate orders, on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner and respondents 5 to 13 as well as other interested parties, if any, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To

- 1.The District Revenue Officer , Thoothukudi District.
- 2.The Revenue Divisional Officer, Thoothukudi District.
- 3.The Sub Collector , Thoothukudi District.
- 4.The Tahsildar , Thoothukudi Taluk, Thoothukudi District.
- +One cc to Mr.D.Selvanayagam, Advocate, SR.No.87629
- +One cc to Mr.G.Prabhu Rajadurai, Advocate, SR.No.87580
- +One cc to The Special Government Pleader, SR.No.87814

rm

RL/8C/2P/KK/SAR4/4/12/2017

W.P. (MD) No.16545 of 2016