

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.04.2018
CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

WP.No.10009/2018

P.Radhakrishnan

.. Petitioner

Versus

1.The Secretary to Government
Revenue Department
Fort St George, Chennai 600 009.

2.The Commissioner of Land Administration
Chepauk, Chennai 600 005.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 1st respondent to consider and pass order in Revision dated 24.02.2018 filed by the petitioner u/s.10-A[C] of the Act, after affording an opportunity of hearing to the petitioner.

For Petitioner : Mr.M.Elango

For Respondents: Mr.A.N.Thambidurai, Spl.GP

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

By consent, the writ petition is taken up for final disposal. Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of the respondents 1 and 2.

2 The petitioner along with one Chinnarasu, had filed WP.No.9807/2017, praying for issuance of a writ of mandamus, directing [1] the Collector of Salem District, [2] Tahsildar, Kadayampatti, [3] the Village Administrative Officer, Danishpettai Village and [4] the Revenue Inspector, Kadayampatti Taluk, Salem District, not to dispossess him from the land admeasuring to an extend of 50 cents in S.No.183/2 by invoking the provisions of the Tamil Nadu Land Encroachment Act, 1905 and this Court, vide order dated 17.07.2017, has granted liberty to the petitioner to avail the appeal remedy before the Collector of Salem District and accordingly, the petitioner filed the appeal and it was dismissed on 07.01.2018, by directing the official concerned to remove the encroachment in Odai Poramboke land comprised in S.No.183/2 of the said village and other

encroachments. The petitioner, aggrieved by the said order, filed a revision before the 2nd respondent on 24.02.2018 to call for the records of the Collector, Salem District, dated 07.01.2018 and quash the same and to direct the authorities concerned to restore the possession of the land admeasuring to the extent of 50 cents in S.No.183/2 of Kadayampatti Village, Salem District.

3 The learned counsel for the petitioner would submit that on account of the delay in getting the Xerox copy of the order passed by the District Collector, Salem, the delay had occurred ; but however, the petitioner has not filed any separate petition for condonation of delay and it would suffice to direct the 2nd respondent to take up the revision and dispose of the same at an early date.

4 Per contra, Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents 1 and 2 would submit that admittedly, the petitioner has filed the revision before the 2nd respondent with a delay and unless he explains the delay in the form of separate affidavit and petition, the 2nd respondent may not take up the revision on file.

5 This Court has carefully considered the rival submissions and perused the materials placed before it.

6 This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner, grants liberty to the petitioner to file a petition for condonation of delay, by citing the reasons for belated filing of the revision within a period of two weeks from the date of receipt of a copy of this order to the 2nd respondent, who upon receipt of the same, shall entertain the revision if the papers are otherwise in order and take up the petition for condonation of delay and dispose of the same in accordance with law within a further period of three weeks from the date of receipt of the said petition and thereafter, the said official is at option to take up the main revision itself and give a disposal on merits and in accordance with law within a period of ten weeks from the date of entertainment of the revision and communicate the decision taken, to the petitioner.

7 The writ petition stands disposed of with the above direction. No costs.

s/d-

Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

AP
To

1.The Secretary to Government
Revenue Department
Fort St George, Chennai 600 009.

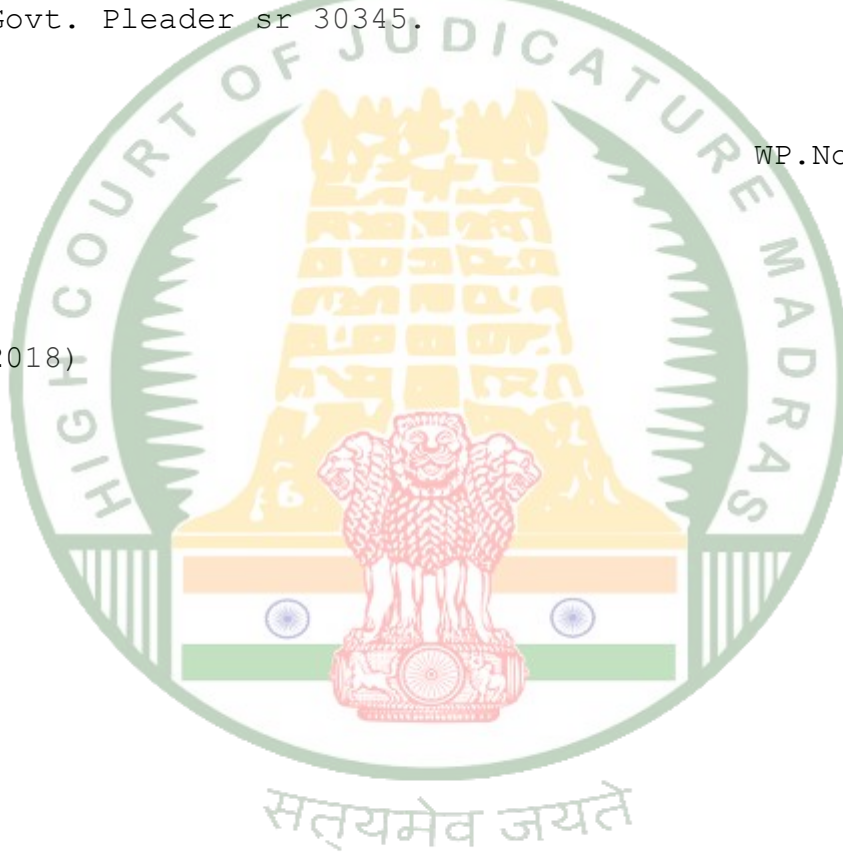
2.The Commissioner of Land Administration
Chepauk, Chennai 600 005.

+1 CC to Mr.M. Elango, Advocate sr 30110.

+1 CC to Govt. Pleader sr 30345.

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RK(CO)
SP(16/05/2018)



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