

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09-07-2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.30268 of 2013

And

M.P.No.1 of 2013

S.K.Murthy

.. Petitioner

Versus

1.The Principal Secretary/Commissioner of
Survey and Settlement,
Survey House,
Chepauk,
Chennai-600 005.

2.The Assistant Settlement Officer (North),
O/o.The Commissioner of Survey and Settlement,
Survey House,
Chepauk,
Chennai-600 005.

...Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the first respondent's Letter No.O.Mu.3054/2013 dated 30.5.2013 and quash the same and to direct the respondents to grant Ryotwari patta as per provisions of the Act 26/48 in favour of the petitioner for the land comprised in S.No.297/21 Plot No.125, 148 & 149 over an extent of 4 grounds and 1747 sq. ft., of Paiyanur Village, Thiruporur Taluk, then Chengalpattu District now Kancheepuram District pursuant to the petitioner's representation dated 9.5.2013.

For Petitioner : Mr.M.Muthappan
For Respondents : Mr.K.Karthikeyan,
Government Advocate.

O R D E R

The relief sought for in this writ petition is to call for the records in relation to the order of rejection passed by the first respondent in proceedings dated 30.5.2013 and further direct the respondents to grant Ryotwari patta in favur of the writ petitioner.

2. The learned counsel, appearing on behalf of the writ petitioner, made a submission that the writ petitioner made out several grounds in the memorandum of petition filed before the first respondent. However, the said petition has been rejected on the ground that the same was filed belatedly. In other words, the petition filed was rejected on the ground of delay.

3. The learned Government Advocate, appearing on behalf of the respondents, opposed the said contention of the learned counsel for the writ petitioner, by stating that the authorities are competent to reject the petition on the ground of delay. Therefore, there is no infirmity in the order impugned.

4. This Court is of an opinion that any order passed in this regard by the competent authority must be a speaking order. On a perusal of the order impugned, this Court is of an opinion that even the necessary facts for the purpose of passing the order has not been stated. It is a non-speaking order and the authorities had not considered any of the grounds even for condoning the petition or to reject the petition on the ground of delay. Even if an authority competent decides to reject the petition on the ground of delay, then also they must pass a speaking order, even the details regarding the delay and other particulars have not been provided in the impugned order.

5. Since the writ petitioner is claiming certain right over the grant of patta in his favour, the authorities competent are bound to pass orders on merits and in accordance with law and even in case, the authorities decide to reject the petition on the ground of delay, reasons must be stated for rejecting the petition on the ground of delay.

6. This being the view of this Court, the order impugned passed by the first respondent in Letter No.O.Mu.3054/2013 dated 30.5.2013 is quashed and the first respondent is directed to rehear the petition filed by the writ petitioner and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

7. Accordingly, the writ petition stands allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

Svn

To

1.The Principal Secretary/Commissioner of
Survey and Settlement,
Survey House,
Chepauk,
Chennai-600 005.

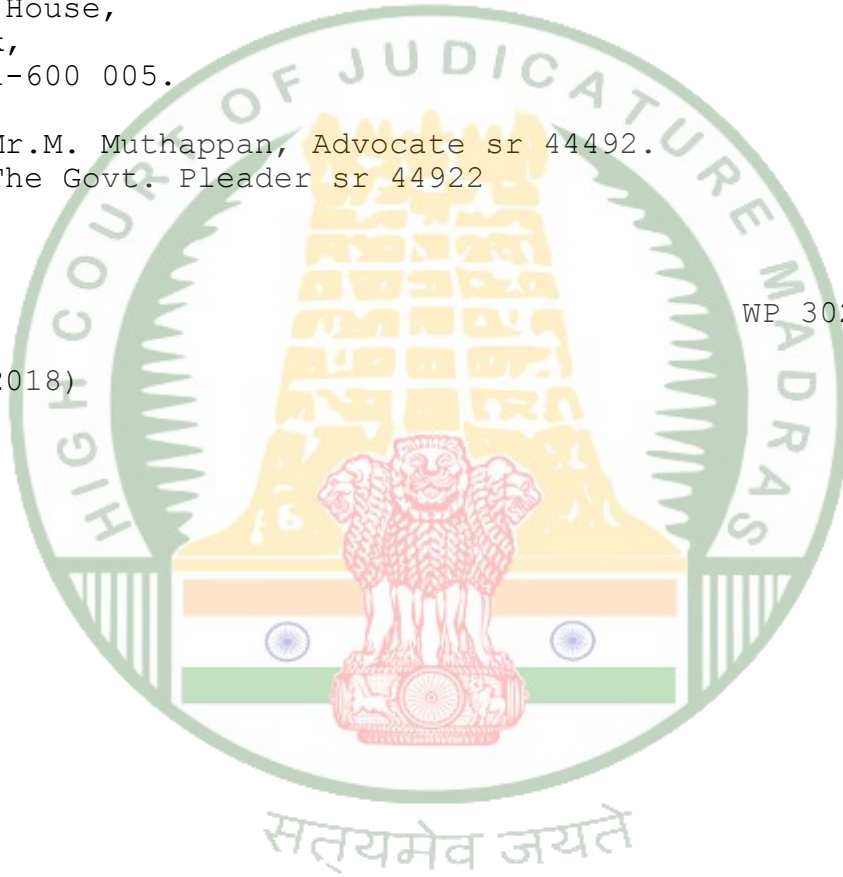
2.The Assistant Settlement Officer (North),
O/o.The Commissioner of Survey and Settlement,
Survey House,
Chepauk,
Chennai-600 005.

+1 CC to Mr.M. Muthappan, Advocate sr 44492.

+1 CC to The Govt. Pleader sr 44922

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