

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.01.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.6206 of 2006

and

W.P.M.P.No.6686 of 2006

P. Irungovel

..Petitioner

vs

1.The Commissioner,  
Land Administration,  
Chepauk,  
Chennai- 600 005.

2.The District Revenue Officer,  
Tuticorin District,  
Tuticorin.

3.The Revenue Divisional Officer,  
Tuticorin.

4.The Tahsildar,  
Tuticorin Taluk,  
Tuticorin.

5.A.Subbiah Pillai.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus or any other appropriate writ order or direction in the nature of a writ of certiorarified mandamus calling for the records of the first respondent herein in K.Dis.K.4/46118/2005 dated 2.1.2006 (wrongly typed as 2.1.2005), quash the same and direct the first respondent herein to entertain the appeal filed by the petitioner herein in accordance with law.

For Petitioner : Mr. Karthick Lakshman  
for Ms. AL. Ganthimathi

For Respondents : Mr. Akhil Akbar Ali,  
Government Advocate

O R D E R

The rejection on account of the delay of two days in filing an appeal before the Commissioner of Land Administration against the order passed by the District Revenue Officer is under challenge in the present Writ Petition.

2. Citing Revenue Standing Order 31(8)(A), the first respondent /Commissioner of Land Administration rejected the appeal by stating that there is a delay of 2 days in filing the appeal.

3. This Court is of the opinion that on account of the delay of two days in filing an appeal, the merits raised by the writ petitioner cannot remain unadjudicated. This Court is of the considered opinion that such a meagre delay of two days is to be condoned and the appeal must be decided on merits and in accordance with law.

4. However, in the present Writ Petition, the appeal filed by the writ petitioner was dismissed on account of the ground of delay of two days. Even in the absence of any provision to condone the delay, the principles of equity and fairness are to be adopted for the purpose of adjudicating the issues on merits.

5. In this view of the matter, the impugned order passed by the first respondent in proceedings dated K.Dis.K4/46118/2005 dated 2.1.2005 stands quashed and the first respondent is directed to number the appeal filed by the writ petitioner and adjudicate the same by affording an opportunity to all the parties concerned and pass orders on merits and in accordance with law within a reasonable period of time

6. Accordingly, the Writ Petition stands allowed. Connected Miscellaneous Petition is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mrn

To

1.The Commissioner,  
Land Administration,  
Chepauk,  
Chennai- 600 005.

2.The District Revenue Officer,  
Tuticorin District,  
Tuticorin.

3.The Revenue Divisional Officer,  
Tuticorin.

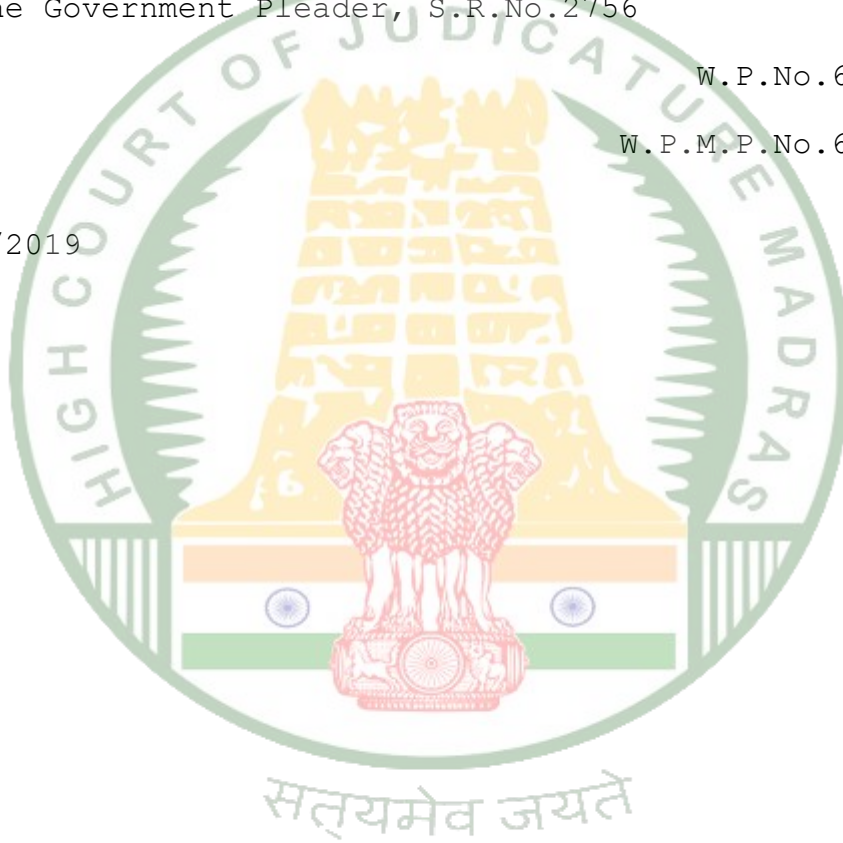
4.The Tahsildar,  
Tuticorin Taluk,  
Tuticorin.

+lcc to Ms.A.L.Ganthimathi, Advocate, S.R.No.2658  
+lcc to the Government Pleader, S.R.No.2756

W.P.No.6206 of 2006  
and  
W.P.M.P.No.6686 of 2006

GJII(CO)

rrs 18/02/2019



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