

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2019

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.5016 of 2019
and
WMP.Nos.5725 & 5728 of 2019

Tamil Evangelical Lutheran Church
Represented by its Pastor
D.Charles Devansesan
Chettipalayam Road,
Podanur, Madukkari Taluk
Coimbatore.

... Petitioner

versus

- 1.The Additional District Executive Magistrate/
District Revenue Officer
Coimbatore.
- 2.The Sub-Divisional Magistrate/
Revenue Divisional Officer
Coimbatore South
Coimbatore.
- 3.The Tahsildar
Madukarai Taluk
Coimbatore District.
- 4.Rangapakonar
- 5.Stephenson Robert

सत्यमेव जयते

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records of order in Ni.Mu.25366/2018/E1 dated 10.01.2019 passed by the 1st respondent herein and quash the same and consequently, direct the 1st respondent to dispose of revision dated 11.12.2018 filed by the petitioner.

For Petitioner : Mr.R.Gandhi
Senior Counsel for Mr.N.Ponraj

For Respondents : Mr.S.N.Parthasarathy
Government Advocate
For R1 to R3

For RR4 & RR5 : No Appearance

O R D E R

The petitioner is aggrieved against the order of the first respondent dated 10.01.2019, wherein and whereby, the revision petition filed by the petitioner against the order of the second respondent dated 17.10.2018 was rejected as time barred.

2. Heard the learned Senior Counsel appearing for the petitioner and the learned Additional Government Pleader for the respondents 1 to 3.

3. Though the respondents 4 & 5 have entered appearance through their counsel, today, there is no representation for the respondents 4 & 5.

4. It is seen that a joint patta was issued in Patta No.3325 in the name of the petitioner along with the respondents 4 & 5. It is further seen that the respondents 4 & 5 filed an appeal before the second respondent against the order of inclusion of the petitioner's name in the said patta. The second respondent, by way of an order dated 17.10.2018, cancelled the joint patta issued in the name of the petitioner as well as the respondents 4 & 5. Challenging the said order, the petitioner preferred the revision before the first respondent on 11.12.2018. The first respondent, however, rejected the revision by passing the impugned order only on the reason that the same was filed belatedly.

5. The learned Senior Counsel for the petitioner contended that there is no delay at all in filing the above revision and therefore, the first respondent has erroneously rejected the revision as if it is time barred.

6. The learned Additional Government Pleader for the respondents 1 to 3 fairly submitted that the revision was filed in time and therefore, the matter may be remitted back to the first respondent for considering the same on merits and in accordance with law.

7. Perusal of the order passed by the second respondent would show that the same came to be passed on 17.10.2018 by granting 60 days time to the petitioner to file the revision before the first respondent from the date of receipt of a copy

of the said order. Assuming that the said order was delivered on the petitioner on the same day, on which it was passed, still the revision filed on 11.12.2018, is well within 60 days time from the date of the order itself passed by the second respondent. Therefore, it is apparent that the first respondent has mechanically rejected the revision, that too, on an erroneous reason as if the revision was filed belatedly. Hence, this Court is convinced to set aside the impugned order and remit the matter back to the first respondent for fresh consideration.

8. Accordingly, this Writ Petition is allowed and the impugned order is set aside. Consequently, the matter is remitted back to the first respondent to consider the revision filed by the petitioner on merits and in accordance with law, after giving due opportunity of hearing to all the parties concerned. Such exercise shall be done by the first respondent within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Additional District Executive Magistrate/
District Revenue Officer
Coimbatore.
- 2.The Sub-Divisional Magistrate/
Revenue Divisional Officer
Coimbatore South
Coimbatore.
- 3.The Tahsildar
Madukarai Taluk
Coimbatore District.

W.P.No.5016 of 2019

VBA (CO)
SSM(22/04/2019)