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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :26.11.2019

Coram:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.33055 of 2019
and
W.M.P.No.33478 of 2019

Mr.C.Elumalai

.. Petitioner

/versus/

1.The District Collector of Tiruvannamalai,
Collector Office,
Vengikal,
Tiruvannamalai,
Tiruvannamalai District.

2.The District Revenue Officer,
Tiruvannamalai,
Tiruvannamalai District.

3.The Revenue Divisional Office,
Tiruvannamalai Taluk,
Tiruvannamalai District.

4.The Tahsildar,
Tiruvannamalai Taluk,
Tiruvannamalai District.

5.Mrs.Anjali Devi

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus to call for the records and quash the order dated 04.07.2019 passed by the 2nd respondent vide order Moo.Mu(Aa2)/9095/2019 which cancelled his assignment patta for the agricultural land situated at Somasipadi Village, Tiruvannamalai Taluk, comprised in Survey No.375/3 of an extent 1.16.0 Hectare (Acre 2.75 cents)



Punja Tharisu and also direct the 1st respondent to hand over the patta land to him.

For Petitioner :Ms.S.Suseela Devi

For Respondents:Mr.S.N.Parthasarathy,
GA for R1 to R4

O R D E R

By consent, the writ petition is taken up for final disposal at the admission stage itself.

2. Heard Ms.S.Suseela Devi, learned counsel appearing for the petitioner and Mr.S.N.Parthasarathy, learned Government Advocate, who takes notice for respondents 1 to 4.

3. The case of the petitioner is that the patta assigned to the petitioner in respect of the land in S.No.375/3 to an extent of 2.75 acres on 08.09.1998 was later cancelled by the third respondent vide order dated 31.01.2019. Against the order of the 3rd respondent, the petitioner has preferred an appeal to the second respondent on 19.03.2013 and the same has been rejected on the ground that the appeal has been filed beyond the limitation.

4. The contention of the petitioner is that the order of the 3rd respondent dated 31.01.2019 was despatched belatedly and reached the petitioner only on 19.02.2019. Immediately on receiving the order, appeal was preferred on 19.03.2019 within the period of 30 days. While so, the reasoning given by the second respondent in his proceedings dated 04.07.2019 that the appeal was preferred beyond the limitation period is factually not correct. Hence, he seeks for writ of Certiorarified Mandamus to quash the order of the 2nd respondent dated 04.07.2019 and to direct him to entertain the appeal and pass orders on merits.

5.The postal cover and the receipt of the postal Department pertaining to the third respondent order indicate that the third respondent order signed on 31.01.2019 was despatched on 18.02.2019 and reached the petitioner on 19.02.2019. Therefore, the appeal dated 19.03.2019 preferred by the petitioner herein is well within the period of limitation. Hence, the reasoning given by the second respondent to reject the appeal is unsustainable. Therefore, the order of the 2nd respondent dated 04.07.2019 is quashed and the 2nd respondent is directed to entertain the appeal filed by the petitioner and pass orders in accordance with law after giving opportunity to the petitioner and the other stakeholders.



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6. Accordingly, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

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To:

1. The District Collector of Tiruvannamalai,
Collector Office,
Vengikal,
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Tiruvannamalai District.

2. The District Revenue Officer,
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4. The Tahsildar,
Tiruvannamalai Taluk,
Tiruvannamalai District.

+1 CC to Mr. S. Suseela Devi, Advocate sr 98621.
+1 CC to Govt. Pleader sr 99436.

W.P.No.33055 of 2019

AK (CO)
SP (21/01/2020)