



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.06.2019**

WEB COPY

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)Nos.204 and 8 of 2019

W.P.(MD)No.204 of 2019

B.Densingh Fernando

...Petitioner

-Vs-

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The District Revenue Officer,
Tirunelveli District,
Tirunelveli.

3.The Revenue Divisional Officer,
Tirunelveli District,
Tirunelveli.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the first respondent in No.O.Mu.A2/29098/2018 dated 12.08.2018 which has been signed on 09.10.2018 and quash the same and consequently directing the second respondent to consider the petitioner's application dated 24.09.2018.

For Petitioner	: Mr.M.Balakrishnan
For Respondents	: Mr.C.M.Mari Chellaiah Prabhu Additional Government Pleader

W.P.(MD)No.8 of 2019

S.Bhagavathsingh

...Petitioner

-Vs-

1.The District Collector,
Tirunelveli District,
Tirunelveli.



2.The District Revenue Officer,
Tirunelveli District,
Tirunelveli.

3.The Revenue Divisional Officer,
Tirunelveli District,
Tirunelveli.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the first respondent in No.O.Mu.A2/29099/2018 dated 11.08.2018 which has been signed on 26.09.2018 and quash the same and consequently directing the second respondent to consider the petitioner's application dated 24.09.2018.

For Petitioner : Mr.M.Balakrishnan
For Respondents : Mr.C.M.Mari Chellaiah Prabhu
Additional Government Pleader

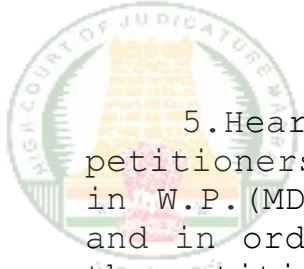
COMMON ORDER

The prayer in these writ petitions is for a Writ of Certiorarified Mandamus, to call for the records relating to the impugned orders passed by the first respondent in Nos.O.Mu.A2/29098/2018 and O.Mu.A2/29099/2018 dated 12.08.2018 and 11.08.2018 which have been signed on 09.10.2018 and 26.09.2018 respectively and quash the same and consequently directing the second respondent to consider the petitioners' application dated 24.09.2018.

2.The petitioners in both writ petitions are none other than the father and son. Challenging the orders passed by the third respondent/Revenue Divisional Officer in respect of the lands in S.Nos.515 and 508, Krishnapuram Village, Palayamkottai Taluk, Tirunelveli District respectively, the petitioners filed revisions under the Tamil Nadu Patta Passbook Act, on 14.07.2018 and 16.07.2018 respectively.

3.The said revisions filed by the petitioners before the first respondent have been rejected by him through the impugned orders dated 12.08.2018 and 11.08.2018 respectively.

4.In both the impugned orders, the District Collector has rejected the revisions filed by the petitioners only on the ground that the revisions were not filed in time. Challenging the same, these writ petitions have been filed.



5. Heard Mr.M.Balakrishnan, learned counsel appearing for the petitioners, who would submit that, the father of the petitioner in W.P.(MD)No.8 of 2019 has become sick due to paralytic attack and in order to take country medicine treatment, very frequently, the petitioner in W.P(MD).No.204 of 2019 had to take his father to the hospital at Kerala and in view of the preoccupation, the petitioners could not immediately make an application by way of revision to the first respondent. Therefore, there has become a delay and therefore, in order to condone the same, the petitioners have made separate representations on 24.09.2018. In both the cases, the first respondent pointing out the same reason. Hence, the learned counsel seeks indulgence of this Court.

6. Though the said reason as given in the representation dated 29.04.2018, is well after the impugned order passed by the first respondent dated 12.08.2018 and 11.08.2018, in the actual revision petitions filed by the petitioners respectively in both cases, these reason have not been given. Therefore, the first respondent has no occasion to consider the reason for delay. Be that as it may, since the right of the petitioners with regard to their lands is to be decided on merits and the petitioners having suffered with the order passed by the third respondent/Revenue Divisional Officer, they have preferred revisions under the Statute i.e., under the Tamil Nadu Patta Passbook Act.

7. This Court is of the view that such revisions have to be decided on merits and it cannot be dismissed in limine on the ground of delay.

8. I have heard the learned Additional Government Pleader appearing for the respondents, who would submit that, the reason now given in the representations is an after thought and this has been evidenced that, reason has been given only subsequently i.e., on 24.09.2018 which is well after the impugned order passed by the first respondent dated 12.08.2012 and 11.08.2012.

9. In that view of the matter this Court is inclined to pass the following order:-

that the impugned orders are quashed and the matter is remitted to the file of the first respondent for reconsideration. While reconsidering the same, the reason adduced by the petitioners in their respective applications dated 24.09.2018 for condoning the delay in filing the review applications can be considered by the District Collector/the first respondent herein on merits and if ultimately the first respondent decides to accept



the delay, it is open to the first respondent to decide the revisions on merits and accordingly, orders can be passed in the main revisions as early as possible.

10. With these observations and directions, these Writ Petitions are ordered accordingly.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

rmk

To

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The District Revenue Officer,
Tirunelveli District,
Tirunelveli.
3. The Revenue Divisional Officer,
Tirunelveli District,
Tirunelveli.

+1cc to M/S., SPECIAL GOVERNMENT PLEADER, Sr.No. 71132
+1cc to M/S. BALAKRISHNAN, Advocate, Sr.No. 71096

Order made in
W.P. (MD) Nos. 204 and 8 of 2019

BUC(11.07.2019) 4P 6C