



THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R. SWAMINATHAN****W.P. (MD) No.17197 of 2016**

1.M.Saburnisha

2.Mohamed Ismail

3.S.Thameen Ansari

4.S.Tharik Aalam

5.S.Shakila

... Petitioners

Vs

1. The District Revenue Officer,
O/o.the District Revenue Officer,
Sivagangai District,
Sivagangai.

2. The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Sivagangai.

3. The Tahsildar,
Ilayangudi Taluk,
Ilayangudi,
Sivagangai District.

4.A.Mohaideen

5.A.Amir Ali

6.A.Frozekhan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records in pursuant to the impugned order passed by the first respondent in proceedings in Na.Ka.P1/22320/2015 dated 17.01.2016 and quash the same and consequently direct the first respondent take the petitioner's Review Application dated 25.09.2015 for hearing and dispose of the said Review Application in accordance with law within stipulated time.



For Petitioners
For R1 to R3

: Mr.V.Muthukamatchi
: Mr.M.Karuppasamy,
Government Advocate

For R4 and R5

: Mr.Robert
for Mr.G.Prabhu Rajadurai

ORDER

Heard the learned counsel on either side.

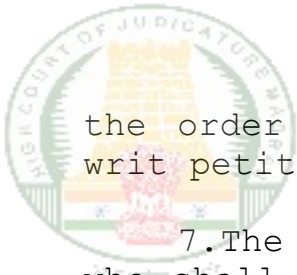
2.The writ petitioners filed an appeal before the Revenue Divisional Officer, Sivagangai questioning the deletion of their names from the revenue records in respect of the Survey Nos.188/21J1 and 188/21J2, Ilayankudi North group, Ilayankudi Taluk, Sivagangai District. The petitioner's appeal was dismissed on 07.03.2014. Questioning the same they filed a revision before the District Revenue Officer, Sivagangai. However, the representation was not filed within 30 days. It was filed belatedly after about 1 ½ years. The District Revenue Officer, Sivagangai took the view that proper explanation has not been given for such belated filing. Therefore, on the ground of delay, the revision was dismissed on 17.01.2016. The same is under challenge in this writ petition.

3.When the matter was taken up for hearing, the learned counsel for the private respondents pointed out that they are tracing the title from their father Abdul Rahman and that the issue was settled long time back. They drew my attention to the fact that O.S.No.116/1973 was filed before the Sub Court, Ramanathapuram at Madurai and that it was declared therein that they are entitled to an extent of 17 acres and 10 cents. The same was confirmed in S.A.No.2233 of 1976 on 12.09.1980. The learned counsel for the petitioners however submitted that the property in question is not covered by the said Civil proceedings.

4.If the property in question is covered by the said S.A.No.2233 of 1976, then the petitioners have no case. If it is not covered then definitely the petitioners' case deserves to be considered on merits and in accordance with law.

5.The petitioners stated that during the relevant period, the first petitioner was abroad and that is why the revision petition could not be filed in time.

6.I am of the view that sufficient cause has been made out in <https://heservices.ecourts.gov.in/heservices/> explaining the delay in filing the revision petition before the District Revenue Officer, Sivagangai. In this view of the matter,



the order impugned in this writ petition is set aside and this writ petition is allowed.

7. The matter is remitted to the file of the first respondent who shall hear both the parties and dispose of the revision filed by the petitioner herein on merits and in accordance with law. While disposing of the writ petitioners' revision, the first respondent shall take note of the earlier civil proceedings that commenced with filing of O.S.No.116 of 1973 and O.S.No.66 of 1970 on the file of the Sub Court, Ramanathapuram at Madurai and which culminated in S.A.No.2233 of 1976 on 12.09.1980. The first respondent shall dispose of the matter within a period of three months from the date of receipt of a copy of this order.

8. With these observations and directions, this writ petition is allowed. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The District Revenue Officer,
O/o.the District Revenue Officer,
Sivagangai District, Sivagangai.
2. The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Sivagangai.
3. The Tahsildar,
Ilayangudi Taluk,
Ilayangudi, Sivagangai District.

+1 CC to MR.V.MUTHU KAMATCHI, Advocate (SR-59831[F] dated 09/04/2019)

+1 CC to SPECIAL GOVERNMENT PLEADER (SR-60078[F] dated 10/04/2019)

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