



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:25.10.2019

CORAM:

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THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

Writ Petition(MD)No.22821 of 2019
and
W.M.P (MD)No.19584 of 2019

1.K.Veerapandi,
2.K.Thangapandi,
3.K.Duraipandi
4.K.Ponnupandi
5.K.Chithiraipandi

... Petitioners

Vs.

1.The Special Deputy Collector,
Revenue Court,
No.62, J.K.Nagar 1st Street,
West 1st Main Road,
Narayanapuram,
Madurai - 14,
Madurai District.

2.The Tahsildar,
Madurai East cum
The Tenancy Record Officer,
Madurai East Taluk,
Madurai District.

3.Ammapillai
4.K.Govindaraju
5.Mokkayee

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the first respondent in A.P.No.7 of 2007 dated 04.10.2018, sent the same through registered post on 15.10.2019 and quash the same and consequently direct the second respondent to record the petitioners as a cultivating tenant in respect of punja land in S.No.122/2A of an extent of 0.57.0 Ares, [1 acre 41 cents] and S.No.122/2B of an extent of 0.19.5 Ares [48 cents], situated at Thirumanapathi village, Madurai East Taluk, Madurai District.



For Petitioners : Mr.A.Saravanan

For R-1 & R-2 : Mr.J.Gunaseelan Muthiah,
Additional Government Pleader

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ORDER

Heard Mr.A.Saravanan, learned counsel for the petitioners and Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader for the respondents 1 and 2.

2. In view of the nature of the order going to be passed in this writ petition, notice to R-3 to R-5 is dispensed with.

3. The petitioners have filed this writ petition to call for the entire records relating to the impugned order passed by the first respondent in A.P.No.7 of 2007 dated 04.10.2018 and quash the same and to direct the second respondent to record the petitioners as cultivating tenants in respect of punja land in S.No.122/2A of an extent of 0.57.0 Ares [1 acre 41 cents] and S.No.122/2B of an extent of 0.19.5 Ares [48 cents] situated at Thirumanapathi village, Madurai East Taluk, Madurai District.

4. The petitioners claim themselves as cultivating tenants which was recorded by the second respondent in his proceedings T.R.2/2007/B3, dated 07.07.2007. Against which, the third respondent herein preferred an appeal to the first respondent. The first respondent had set aside the said order in Appeal No.7 of 2017, vide order dated 04.10.2018. Against the order of the first respondent, a remedy of filing revision is available to the petitioners.

5. The grievance of the petitioners is that even though the order was passed by the first respondent on 04.10.2018, it was communicated to the petitioners only on 15.10.2019 and they have received the same only on 16.10.2019. Because of the delayed communication, their right of revision has been taken away. The date found on the counterfoil of postal Department reveals that the order was posted on 15.10.2019 and received by the petitioner only on 16.10.2019. The revision can be filed within a period of three months from the date of receipt of the order copy.

6. Considering the facts and circumstances of the case, this Court is of the considered opinion that the petitioners are entitled to file a revision within a period of three months from the date of receipt of a copy of the order passed in the appeal. Therefore, the petitioners are directed to file a revision before the District Collector, Madurai District, within a period of four weeks from the date of receipt of a copy of this order and on receipt of the said revision petition, the District Collector is directed to entertain



the same without insisting on the limitation period.

7. With the above direction, the writ petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

pm

To:

1.The Special Deputy Collector,
Revenue Court,
No.62, J.K.Nagar 1st Street,
West 1st Main Road,
Narayanapuram,
Madurai - 14,
Madurai District.

2.The Tahsildar,
Madurai East cum
The Tenancy Record Officer,
Madurai East Taluk,
Madurai District.

Copy to:

The District Collector,
Madurai District.

+3 CC to M/s.A.SARAVANAN, Advocate, SR-94542 & 94820

+1 CC to M/s.SPL GP (SR-94918[F] dated 30/10/2019)

W.P (MD) No.22821 of 2019
25.10.2019

JMN(08.11.2019) 3P : 8C