BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.02.2020
CORAM
THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**
W.P.(MD)No.3621 of 2020
and
W.M.P.(MD)No.3056 of 2020

S.Raman ... Petitioner

vs.

1.The District Revenue Officer,
Tirunelveli, Tirunelveli District.

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

3.The Tahsildar,
Nanguneri Taluk,
Nanguneri, Tirunelveli District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the first respondent in his proceedings in ஓ.மு.ஆ2/14861/2018, dated 09.06.2018 and quash the same as illegal and consequently, to direct the respondents to change the name of the petitioner in the patta in S.Nos.634/15C7, 634/15C6, 634/15C14, 634/15C18, 634/15C3, 634/15C12, 634/15C15 and 634/15C9 of Poolam-2 Village, Nanguneri Taluk, Tirunelveli District.

For Petitioner :Mr.S.Vikram
For R1 to R3 :Mr.A.Muthu Karuppan

O R D E R

This Writ Petition is filed for issuing a Writ of Certiorarified Mandamus, to quash the impugned order passed by the first respondent dated 09.06.2018 and consequently, to direct the respondents to change the name of the petitioner in the patta in S.Nos.634/15C7, 634/15C6, 634/15C14, 634/15C18, 634/15C3, 634/15C12, 634/15C15 and 634/15C9 of Poolam-2 Village, Nanguneri Taluk, Tirunelveli District.

2.By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.The petitioner states that the property in S.Nos.634/15C7, 634/15C6, 634/15C14, 634/15C18, 634/15C3, 634/15C12, 634/15C15 and 634/15C9 of Poolam-2 Village, Nanguneri Taluk, Tirunelveli District is his ancestral property. It is the case of the petitioner that the petitioner preferred an appeal against the order of Tahsildar, who has inducted names of strangers in the patta in respect of his property. The second respondent, without assigning any reason on merits, has rejected the appeal on the ground that it is belated. Further, the second respondent has observed that the correction sought for by the petitioner is to correct the UDR records and that therefore, the petitioner has to approach the District Revenue Officer. When the petitioner filed a revision petition before the District Revenue Officer in time, the first respondent has passed the impugned order stating that the revision is filed belatedly.

4.The learned Counsel for the petitioner produced before this Court the revision petition preferred by the petitioner with acknowledgment indicating that the Office of the first respondent has received the papers in time. Going by the date showing in the acknowledgment card, it is seen that the revision petition was filed well within time. Though the revision was filed in time, the first respondent has passed the order without an application of mind and without indicating that as to how the revision is barred by limitation. The first respondent in his order referred to the petitioner's representation, dated 14.03.2018, that was submitted by the petitioner to the respondent, after getting information in response to his petition that the revision petition stated to have been filed by the petitioner is not on the file of the first respondent. When the petitioner has approached the first respondent in 2015 with acknowledgement card, the first respondent wrongly presumed that the petitioner has filed the revision petition only in 2018. Even assuming that the revision petition is preferred beyond the period of limitation, it is open to the first respondent to consider and entertain the revision petition, if he satisfies that the party, who preferred the revision, has sufficient cause for non presentation of revision within the period. Rule 15 of the Rules framed under Tamil Nadu Patta Pass Book Act 1983, reads as follows:

> *"15.Revision on application – (1) An application under section 13 to the District Revenue Officer or such officer as may be authorised by the Government in this behalf by Notification for revision of an order passed by the Tahsildar or the appellate authority shall be filed within ninety days from the date of receipt of the order.*
>
> *(2)The District Revenue Officer or such officer as may be authorised by the Government may admit an application for revision presented after expiry of the period mentioned in sub-rule (1), if he is satisfied that the party had just and sufficient cause for presenting it within the said period."*

5.Therefore, in either way, the impugned order is not sustainable, as the first respondent has not applied his mind. When an enquiry is undertaken by the first respondent in the revision petition, the first respondent should give an opportunity to the petitioner to putforth his case on merits. If the respondent has reasons to pass any adverse order in a statutory revision, the petitioner should be heard following the principles of natural justice.

6.For all the reasons, this Court is of the view that the impugned order is arbitrary, illegal and unsustainable for violation of principles of natural justice and for other reasons indicated above. As a result, this Writ Petition is allowed and the impugned order, dated 09.06.2018 passed by the first respondent is quashed. The revision petition preferred by the petitioner shall be entertained by the first respondent, if the first respondent has no reason or document to discredit the statement of the petitioner, as borne out from the acknowledgment card showing that the revision petition filed by the petitioner in 2015 was acknowledged by the office of the first respondent on 08.09.2015. In case, the respondent has reasons and is convinced that the revision was filed beyond the period of limitation and the acknowledgement is not pertaining to the revision, the first respondent shall direct the petitioner to file a petition to condone the delay in filing the revision petition. If the petitioner file a petition to condone delay and satisfy the first respondent for condoning the delay, then the first respondent shall consider and entertain the revision petition and dispose of the same on merits and in accordance with law after issuing notice to the all the parties interested within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The District Revenue Officer,
Tirunelveli, Tirunelveli District.

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

3.The Tahsildar,Nanguneri Taluk,
Nanguneri, Tirunelveli District.

+1 CC to M/s.SPL.GP (SR-8076[F] dated 25/02/2020)

+1 CC to M/s.S.VIKRAM, Advocate (SR-8211[F] dated 25/02/2020)

W.P.(MD)No.3621 of 2020
24.02.2020

SMA/12/03/2020/3P/6C