



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.17374 of 2021

and

W.M.P(MD) .No.14255 of 2021

WEB COPY

P.Nithianantham

... Petitioner

Vs.

1.The District Revenue Officer,
Theni District,
Theni.

2.The Revenue Divisional Officer,
Uthamapalayam,
Theni District.

3.The Tahsildar,
Bodi Nayakannur,
Theni District,
Theni.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent, to dispose the Revision Petition, filed by the petitioner, before the first respondent, on 01.07.2020, and dispose the same as per the reminder petition dated 02.08.2021, given by this petitioner to the first respondent and to dispose within a time frame, fixed by this Court.

For Petitioner : Mr.F.X.Eugene
For Respondents : Mr.P.Subbaraj,
Counsel for State.

ORDER

The petitioner seeks the earlier disposal of a Revision Petition filed before the first respondent on 01.07.2020.

2. The petitioner states that his grandmother Subbammal owned 2.08 Acres of Punjai land in New Survey No.531/10 under Patta No.975. After the death of Subbammal, the petitioner states that the property devolved on the sons of Paramasiva Gowder and Suruliyandi Gowder. Eventually, the petitioner, his siblings and cousins inherited the property. However, the petitioner states that



a patta transfer order was issued unlawfully in the name of one Jeyakrishnan. The said order was challenged by way of the Revision Petition before the first respondent. The present Writ Petition is filed for the early disposal thereof.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the petitioner may be permitted to file an appeal before the jurisdictional Revenue Divisional Officer against the order of the Tahsildar.

4. Under the Patta Passbook Act, an appeal is provided against the order of the Tahsildar before the Revenue Divisional Officer. Thereafter, a party aggrieved against the order of the Revenue Divisional officer is permitted to file a Revision Petition before the jurisdictional District Revenue Officer. Such appeal and revision are, however, subject to limitation periods and the District Revenue Officer is empowered to condone delay for sufficient cause.

5. In the case at hand, the petitioner seeks to assail an order of the Tahsildar dated 25.08.2009 before the District Revenue Officer. This course of action is not contemplated by the relevant statute. Nevertheless, the petitioner is permitted to submit an appeal before the Revenue Divisional Officer. If such appeal is submitted within fifteen (15) days from the date of receipt of a copy of this order, the jurisdictional Revenue Divisional Officer is directed to consider and dispose of such appeal on merits without going into the question of limitation. Needless to say, the petitioner, Mr.Jeyakrishnan and any other party who would be affected by the outcome of the appeal should be provided a reasonable opportunity before such appeal is disposed of. The Revenue Divisional Officer is directed to consider and dispose of such appeal within a period of three (3) months from the date of receipt of such appeal from the petitioner.

6. Accordingly, W.P.(MD).No.17374 of 2021 is disposed of on these terms without any order as to costs. Consequently, W.M.P.(MD).No.14255 of 2021 stands closed.

Sd/-

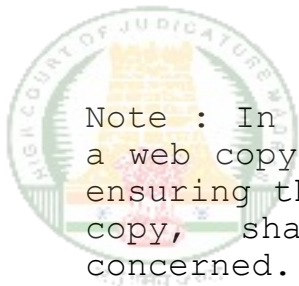
Assistant Registrar (P&A)

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/ /2021

Sub Assistant Registrar(CS)

tsg/LM



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

To

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Theni.

2.The Revenue Divisional Officer,
Uthamapalayam,
Theni District.

3.The Tahsildar,
Bodi Nayakannur,
Theni District,
Theni.

+1 CC to M/s.F.X.EUGENE, Advocate (SR-30438[F] dated 28/09/2021)

+1 CC to M/s.SPL.GP (SR-30576[F] dated 29/09/2021)

**W.P (MD) No.17374 of 2021
28.09.2021**

RD(11.10.2021) 3P 6C