



W.P(MD)No.10681 of 2013

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2022

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.10681 of 2013
and
M.P(MD)Nos.1 and 2 of 2013

P.Joseph Anand

... Petitioner

Vs.

1.The District Revenue Officer,
Thanjavur District.

2.The Revenue Divisional Officer,
Pattukottai,
Thanjavur District.

3.The Deputy Tahsildar,
Peravoorani,
Thanjavur District.

4.O.M.S.Sambasivam

5.M.Ayyavoo

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the first respondent in Mu.Mu.No. 11461/2013/22, dated 02.04.2013 confirming the order of the second respondent in Na.Ka.No.6823 of 2001/A4 dated 10.01.2013 and quash



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the same and further direct the respondents 1 to 3 to issue patta in favour of the petitioner.

(Prayer amended vide Court Order dated 28/11/2017
in MP(MD)1 of 2015)

For Petitioner	: Mr.V.M.Balamohan Thambi
For R1 - R3	: Mr.A.Sivanu Pandian Additional Government Pleader
For R4	: No Appearance
For R5	: Mr.A.C.Asai Thambi

ORDER

The present writ petition has been filed challenging an order passed by the first respondent herein, under which he has rejected the revision filed by the writ petitioner under Section 13 of the Tamil Nadu Patta Passbook Act on the ground that there is a delay of 42 days and the order of Tahsildar has already been implemented.

2. The learned counsel for the petitioner had pointed out that along with revision petition, he has filed an application for condonation of delay. Without considering the said application, the revision has been dismissed.



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3. Rule 15 (2) of Tamil Nadu Patta Passbook Rules 1987, empowers the District Revenue Officer to condone the delay and admit the revision petition, if he is satisfied that the party had just and sufficient use for not presenting it within the said period. In the present case, the writ petitioner has filed an application, seeking to condone the delay of 42 days on the ground that he was suffering from fever and he could not contact his counsel within the time for filing the revision. The said condone delay application has not been considered and the first respondent herein has dismissed the revision petition as if he has no power to condone the delay.

4. However, the learned counsel for the respondents 4 and 5 had contended that since the revision was filed with a delay, it was rightly dismissed.

5. I have carefully considered the submissions made on either side.

6. In view of Rule 15 (2) of Tamil Nadu Patta Passbook Rules 1987, the District Revenue Officer has got powers to condone the delay,



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if he is satisfied that the reasons assigned for condoning the delay are just and reasonable. Hence, the order impugned in the writ petition is set aside. The matter is remitted back to the file of the first respondent herein. The first respondent is directed to consider the condone delay application of the revision petition and pass orders on merits and in accordance with law, after giving due opportunity to the writ petitioner and the respondents 4 and 5 herein. In case, if the delay is condoned by the first respondent herein, revision petition shall be disposed of on or before 31.12.2022, after giving due opportunity to the parties.

7. With the above said observations, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

20.09.2022

Index : Yes / No
Internet : Yes / No

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R.VIJAYAKUMAR ,J.

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Order made in
W.P(MD)No.10681 of 2013

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