



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.3958 of 2022

K.Annapoorani

... Petitioner

Vs.

1.The District Collector,
Office of Collectorate, Madurai.

2.The District Revenue Officer,
Madurai.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the 1st respondent to take appropriate departmental action against the officers serving as the District Revenue Officer, Madurai District from the period 2015 to 2021, based on the representation of the petitioner dated 31.01.2022.

For Petitioner : Ms.Porkodi Karnan
for M/s.Polax Legal Solutions

For Respondents : Mr.A.K.Manikkam
Special Government Pleader

ORDER

The writ of mandamus has been instituted to direct the first respondent to take appropriate departmental action against the officers serving as the District Revenue Officer, Madurai Districts from the period from 2015 to 2021 based on the representation of the petitioner dated 31.01.2022.

2. The petitioner states that in the year 1964, the land in S.No.105/14 in Sathanmangalam Village, Melur Taluk, Madurai District was purchased by the husband of the writ petitioner Late.Kathiresan from Mrs. Valliammal vide sale deed No.2589/1964. The husband of the petitioner was in peaceful possession and enjoyment of the property. In the year 2015, the petitioner and her husband came to know that the UDR patta for her husband's land was wrongly changed in the name of one Karuppiyah Pillai during the UDR survey. Knowing the said factum, the petitioner's husband approached the second respondent by submitting a representation to cancel the UDR patta stands in the name of Karuppiyah Pillai and issue patta in the name of the husband of the writ petitioner. However, no action has been taken from the year 2015.

3. The learned counsel for the petitioner made a submission



that enquiry was conducted by the second respondent in the year 2015 itself. Though enquiry was conducted in the year 2015, no order has been passed by the District Revenue Officer and the file was kept pending. Meanwhile, the husband of the petitioner died and the petitioner sent a representation to the authorities stating that the husband of the writ petitioner died due to the pendency of the application before the authorities. However, an order was passed in proceedings dated 04.01.2021 by the District Revenue Officer/second respondent.

4. The learned counsel for the petitioner mainly contended that there was enormous delay on the part of the second respondent in deciding the application submitted by the husband of the writ petitioner, which resulted in death of the husband of the writ petitioner. Therefore, she made a representation to initiate disciplinary action against all the District Revenue Officers, who were working during the interregnum from the year 2015.

5. This Court is of the considered opinion that our great nation consist of 130 Crore citizens. The vast nation having enormous administrative set up and departments. Lakhs and lakhs of representations are received by the authorities competent. Even before the Courts, large number of litigations are pending for several years. Though consistent steps are taken by the administration, all are struggling to minimise the pendency on account of varieties of reasons. Thus, blaming the authorities at all circumstances may not be proper on the part of the citizens. No doubt, if any public authority has involved in corrupt activities or treated the citizens in an indifferent manner, then appropriate complaint can be filed. But mere delay in considering the representation or deciding the issues per se would not provide for initiation of disciplinary action against the public authorities. If such practice is permitted, then, this Court is of the undoubted opinion that no public authority can function in this Country peacefully.

6. It is needless to state that every public authority is expected to perform the duties and responsibilities in a diligent manner. The issues are to be decided then and there. Even this Court on several occasions delivered judgments that frequent adjournments are improper and once an enquiry is completed, appropriate orders are to be passed without any lapse of time. However, in certain circumstances, the authorities are keeping the file pending for several reasons. However, if the files are pending on account of certain corrupt activities or with some ulterior motive or with an intention, then such authorities are to be prosecuted in the manner known to law. However, there cannot be general perception that the ground of delay alone is to be taken into consideration for the purpose of initiation of disciplinary action against the public servant and if such principle is adopted, disastrous consequences. The public authority should



be in a position to exercise their power peacefully and in the manner known to law.

7. This Court is of the considered opinion that the authorities are always expected to keep in mind that on receipt of application and by following the procedure, systematical enquiry proceedings are conducted and on completion of the enquiry proceedings, orders are to be passed within a reasonable period of time. Such a procedure is expected to be followed by the authorities. Therefore, adjournments are to be granted as exceptions and the expectation is that the matters are to be heard and disposed of within a reasonable period of time. This being the reasonable expectation of the citizen and the rights enunciated under the Constitution of India, all the public authorities are bound to act in a prudent and diligent manner to ensure that grievances of citizen are perused and redressed by following the procedures as contemplated.

8. In the present case, there is no such allegations of corrupt activities or otherwise except the administrative delay. There may be several reasons for such administrative delay. However, the merits are to be adjudicated. The cause for death of the husband of the writ petitioner need not be a ground to grant relief as sought for in the present writ petition. Therefore, the petitioner is at liberty to approach the competent Court of law for redressal of her grievances.

9. It is made clear that the revenue authorities are incompetent to decide the civil rights of the parties. Title, ownership or other civil rights cannot be decided by the revenue authorities. Once the documents are intact, then alone the patta or revenue records can be issued or alterations can be made. However, in the event of any dispute regarding the title, ownership or otherwise, the parties are bound to approach the civil Court for establishing their right in the manner known to law and through documents and evidences.

10. Thus, the petitioner has to approach the competent Court of law for establishing her rights. With this liberty, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

RR



To

1.The District Collector,
Office of Collectorate
Madurai.

2.The District Revenue Officer,
Madurai.

+1 CC to M/s.POLAX LEGAL SOLUTIONS, Advocate (SR-11961[F] dated
14/03/2022)

+1 CC to M/s.SPL GP (SR-12194[F] dated 15/03/2022)

W.P. (MD) No. 3958 of 2022

11.03.2022

RD(01.04.2022) 4P 5C