BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.04.2022
CORAM
THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**
W.P.(MD)No.7477 of 2022

T.Balachandar ... Petitioner

vs.

1.The District Revenue Officer,
Virudhunagar District, Virudhunagar.

2.The Revenue Divisional Officer,
Sivakasi Town, Virudhunagar District.

3.The Tahsildar,
Taluk Office, Srivilliputhur Taluk,
Virudhunagar District.

4.P.Karuppiah ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order made in O.Mu.A2/32648/2019 dated 29.10.2019 on the file the first respondent and to quash the same as arbitrary and illegal and consequently, to direct the first respondent herein to entertain the revision filed by the petitioner under Section 13 of the Tamil Nadu Patta Passbook Act, 1983 and to pass orders thereon on merits in accordance with law after affording opportunity to the petitioner and the fourth respondent herein.

For Petitioner :Mr.M.Thirunavukkarasu
For R1 to R3 :Mr.B.Saravanan
Additional Government Pleader

O R D E R

This Writ Petition has been filed challenging the order, dated 29.10.2019 passed by the first respondent rejecting the petitioner's statutory revision filed under the Tamil Nadu Patta Pass Book Act, 1983, on the ground that the petitioner's statutory revision has been filed beyond the statutory period.

2.According to the petitioner, the statutory revision petition was filed by him within the period of limitation. According to him, he received the order, dated 01.07.2019 from the second respondent on 10.10.2019. Immediately, thereafter, on 15.10.2019, it is claimed by the petitioner that he has filed the statutory revision petition before the first respondent. However, arbitrarily and by total non application of mind, the first respondent has rejected the petitioner's statutory revision on the ground that the same has been filed beyond the prescribed statutory period. In such circumstances, he has filed this Writ Petition.

3.Heard Mr.M.Thirunavukkarasu, learned Counsel for the petitioner and Mr.B.Saravanan, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 3.

4.The learned Counsel for the petitioner drew the attention of this Court to the order, dated 01.07.2019 passed by the second respondent and would submit that the said order has been signed by the second respondent only on 03.10.2019. According to the petitioner, he has filed the statutory revision on 15.10.2019, which is also reflected in the impugned order passed by the first respondent. Therefore, according to the learned Counsel for the petitioner, the statutory revision was filed by the petitioner within the prescribed period of 90 days from the date of receipt of a copy of the order, dated 01.07.2019 passed by the second respondent. According to him, by total non application of mind, the first respondent has rejected the petitioner's statutory revision on the ground that the said revision petition has been filed beyond the prescribed period.

5.This Court has perused and examined the documents filed along with this Writ Petition and in particular, has perused and examined the impugned order as well as the order passed by the second respondent, dated 01.07.2019, which was challenged by the petitioner before the first respondent by filing the statutory revision. As seen from the order, dated 01.07.2019 passed by the second respondent, the said order has been signed by the second respondent only on 03.10.2019. The petitioner has received the said order only on 10.10.2019 and he has filed the statutory revision before the first respondent on 15.10.2019, which is also confirmed by the first respondent in the impugned order. Therefore, this Court is of the considered view that the statutory revision ought to have been admitted and heard on merits, as the same has been filed within the prescribed period of 90 days as stipulated under the Tamil Nadu Patta Pass Book Act, 1983. However, by total non application of mind, the first respondent has passed the impugned order rejecting the petitioner's statutory revision on the ground that the same is filed beyond the period of limitation as stipulated under the Tamil Nadu Patta Pass Book Act, 1983.

6.The petitioner has also given reasons for not filing this Writ Petition immediately on receipt of the impugned order. He has stated that only due to COVID-19 pandemic situation, he was unable to file this Writ Petition. The said reason is acceptable to this Court. No prejudice will be caused to the respondents, if the petitioner's statutory revision is considered on merits and in accordance with law.

7.For the foregoing reasons, the impugned order, dated 29.10.2019 passed by the first respondent is hereby quashed and matter is remanded back to the first respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioner and any other necessary party, whom the first respondent deems fit to enquire. The first respondent shall pass final orders on merits and in accordance with law within a period of four months from the date of receipt of a copy of this order.

8.With the aforesaid directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The District Revenue Officer,
Virudhunagar District, Virudhunagar.

2.The Revenue Divisional Officer,
Sivakasi Town, Virudhunagar District.

3.The Tahsildar,
Taluk Office, Srivilliputhur Taluk,
Virudhunagar District.

+1 CC to M/s.M. THIRUNAVUKKARASU, Advocate (SR-19944[F] dated 21/04/2022)

+1 CC to M/s.SPL.GP (SR-20129[F] dated 21/04/2022)

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TP(CO)
KB(29.04.2022) 3P 6C