BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 21.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.6929 of 2017

1.V.Thavasiyathal
2.V.Subramanian
3.V.Velladurai
4.V.Muthupandian
5.V.Murugan ... Petitioners

Vs

1.The District Revenue Officer,
Tirunelveli.

2.V.Madasamy ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the entire records in O.Mu.Ka2/39808/2016, dated 07.10.2016 from the office of the first respondent and quash the same as null and void and direct the first respondent to consider the revision after filing necessary application to condone of delay.

For Petitioners : Mr.S.Mani

For Respondents : Mr.K.Balasubramani
Special Government Pleader for R.1

Mr.F.X.Eugene for R.2

ORDER

Heard the learned counsel on either side.

2. The petitioners' patta was cancelled on 16.08.2014 by the Revenue Divisional Officer, Tirunelveli. Challenging the same, the petitioners filed the revision before the District Revenue Officer, Tirunelveli, on 21.09.2016. Holding that the revision was not filed within 30 days, the petition was dismissed by the impugned order, dated 07.10.2016. Challenging the same, the writ petition came to be filed.

3. The learned counsel for the petitioners would point out that the original cancellation order was not served on the petitioners herein. Only after receiving the cancellation order, within time, the petitioners moved the revision before the District Revenue Officer, Tirunelveli. The stand of the petitioners taken in the affidavit regarding non-service of the original cancellation order

has not been rebutted by placing any material. It is also seen that according to Rule 15 of Tamil Nadu Patta Pass Book Rules, 1987, the revision should be filed within 90 days from the date of service of the order copy. In this case, the petitioners received the copy of the order only on 05.03.2016. The petitioners instead of straight away moving the District Revenue Officer, Tirunelveli, once again knocked the doors of the Revenue Divisional Officer, Tirunelveli. The petition was rightly returned by the Revenue Divisional Officer, Tirunelveli on 16.08.2016. Thereafter, on 21.09.2016, the instant revision was filed before the District Revenue Officer, Tirunelveli. It is seen that petitioners were prosecuting their remedy in a *bonafide* manner. Therefore, I hold that the revision filed before the District Revenue Officer, Tirunelveli, was within time.

4. In this view of the matter, the impugned order is set aside. The writ petition is allowed. The District Revenue Officer, Tirunelveli, is directed to number the petitioners' revision petition and give a disposal on merits and in accordance with law within four months from the date of receipt of a copy of this order, after hearing all the interested parties. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

mga

To

The District Revenue Officer,
Tirunelveli.

+1 CC to M/s.S. VELRAJAN, Advocate (SR-27361[F] dated 22/06/2022)

+1 CC to M/s.F.X. EUGENE, Advocate (SR-27569[F] dated 22/06/2022)

+1 CC to M/s.SPL.GP (SR-27723[F] dated 23/06/2022)

W.P.(MD)No.6929 of 2017
21.06.2022

RD(01.07.2022) 2P 5C