WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.1820 of 2023

M.Venkatesh ... Petitioner

Vs.

1.The District Revenue Officer,
Krishnagiri District,
Krishnagiri.

2.Nagaraj ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to dispose of the petitioner revision/appeal dated 30.04.2012 on the file of the 1st respondent.

For Petitioner : Mr.R.Jayaprakash

For R1 : Mr.E.Sundaram
Government Advocate

https://www.mhc.tn.gov.in/judis

WEB COPY

O R D E R

The relief sought for in the present writ petition is to direct the 1st respondent to dispose of the petitioner revision/appeal dated 30.04.2012 on the file of the 1st respondent.

2. The issues raised in the present writ petition were adjudicated by this Court in a batch of writ petitions in ***W.P.No.262 of 2018 [D.Tulasi Vs. The District Revenue Officer, Dharmapuri] etc., and batch***, and a judgment was delivered on 09.06.2023. Subsequently, a circular dated 17.07.2023 has been issued by the Commissioner of Land Administration in Circular No. R1/2005632/2022. The relevant paragraphs of the above said judgment are extracted hereunder:

> *"33. In view of the anomalous situation created on account of the inconsistency in dealing with the grievances of the aggrieved persons, this Court is inclined to pass the following orders:*
>
> *(1) The Commissioner of Land Administration is directed to issue orders to all the competent authorities under his control across the State of Tamil Nadu to maintain registers for entertaining the applications/ representations /appeals filed*

https://www.mhc.tn.gov.in/judis

WEB COPY

in a prescribed format by complying with the procedures under the Patta Pass Book Act, 1983 and the Rules in force.

(2) Every such application filed by the aggrieved persons are to be registered in the book of register and serial number has to be assigned in the order of seniority and such seniority assigned must be informed/communicated to the applicants/appellants.

(3) All the applications/appeals by the respective parties are to be taken up for hearing/enquiry in the order of seniority as far as possible and without causing any discrimination amongst the similarly placed applicants/appellants. Priority for hearing/enquiry is to be granted only if the applicant/appellant is able to establish that there is a genuine urgency, which is to be recorded by the Competent authority, while taking up the matter for hearing/enquiry. All other applications/appeals are to be heard and disposed of in the order of seniority.

(4) An enquiry under the Patta Pass Book Act, 1983 is to be conducted by the competent authorities by following the procedures as contemplated under the Rules and by affording opportunity to the parties. The competent authorities shall refuse to grant unnecessary adjournments to the parties, who

https://www.mhc.tn.gov.in/judis

WEB COPY

all are intending to prolong and protract the matter. Adjournments are to be granted on genuine grounds only by recording the reasons. Casual adjournments of hearing are to be avoided, which would cause prejudice to any one of the party.

(5) *All applications / appeals are to be disposed of by the competent authorities within a prescribed time limits stipulated under the Government orders or by the Commissioner of Land Administration. In the event of no time limit, the authorities are expected to pass orders within a reasonable period of time i.e., within a period of six months.*

(6) *The respondents are directed to relegate the parties to the Civil Court of Law, if there is any disputed facts regarding civil rights between the parties exists.*

(7) *The respondents are directed not to entertain applications under the Patta Pass Book Act, if the Civil Suits between the parties are pending before the Court of Law. In such circumstances, the applicants/appellants may be granted liberty to approach the competent authorities only after resolving the issues before the Civil Court of Law. The Authorities are directed to keep the revenue proceedings in abeyance till such time the civil disputes reach finality*

https://www.mhc.tn.gov.in/judis

WEB COPY

between the parties.

(8) *The Commissioner of Revenue Administration is directed to issue consolidated instructions/circular to all the subordinate officials based on the orders passed by this Court and ensure proper implementation to make the public administration more efficient, since it is a Constitutional mandate.*

(9) *The Higher Authorities are directed to conduct periodical review to ensure that the procedures are followed scrupulously and in the event of any lapses, negligence or dereliction of duty on the part of the authorities, appropriate disciplinary actions are to be initiated under the Service Rules.*

(10) *The competent authorities are directed to pass speaking orders and communicate the same to all the parties concerned in the manner prescribed under the Rules of Public Administration."*

3. In view of the fact that the case of the petitioner is also similar to that of the cases (cited *supra*), the case of the petitioner is also to be considered on the same line.

https://www.mhc.tn.gov.in/judis

WEB COPY

4. Accordingly, this Writ Petition stands disposed of. No costs.

21.07.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To

The District Revenue Officer,
Krishnagiri District,
Krishnagiri.

https://www.mhc.tn.gov.in/judis

WEB COPY

S.M.SUBRAMANIAM, J.

Jeni

W.P.No.1820 of 2023

21.07.2023

https://www.mhc.tn.gov.in/judis