IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.4820 of 2023

S.Duraisamy .... Petitioner

-Vs-

1 The District Collector
Tiruppur Tiruppur District.

2 The District Revenue Officer
Tiruppur Tiruppur District.

3 The Revenue Divisonal Officer
Tiruppur, Tiruppur District.

4 The Tahsildar
South Tiruppur, Tiruppur District.

5 P.Saminathan .... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of order dated 22.12.2022 vide proceedings in Ne.Mu. 29050/2022/J1 on the file of 2nd respondent to take the revision petition dated 16.11.2022 of petitioner on file and pass final orders after providing sufficient opportunity of hearing to all and pass any other orders which this Honourable Court may think fit and proper under the circumstances of the case.

For Petitioner : Mr.S.Panneer Selvam
for Mr.K.Myilsamy

For Respondents : Mr.P.Sathish
Additional Government Pleader – for RR 1-4
Notice dispensed with – for R5

ORDER

The prayer sought for herein is for a Writ of Certiorarified Mandamus to call for the records of order dated 22.12.2022 vide proceedings in Ne.Mu. 29050/2022/J1 on the file of 2nd respondent to take the revision petition dated 16.11.2022 of petitioner on file and pass final orders after providing sufficient opportunity of hearing to all.

2. As against the order passed by the 3rd respondent/ Revenue Divisional Officer, the petitioner preferred a revision before the 2nd respondent / District Revenue Officer. However, the same has been rejected through the impugned order dated 22.12.2022 on the ground that the revision has been filed by the petitioner with 17 days delay beyond the 30 days period of limitation as provided in the order passed by the Revenue Divisional Officer itself. Therefore, on that ground he rejected the revision.

3. Heard the learned counsel for the petitioner and Mr.P.Sathish, learned Additional Government Pleader appearing for the official respondents. In view of

the order that is going to be passed in this writ petition, notice to the private respondent is hereby dispensed with.

4. The 2nd respondent, in the impugned order has stated that the 3rd respondent who passed the order has directed the petitioner to prefer a revision before the District Revenue Officer within 30 days time and within the 30 days time he has not preferred the revision and that with 17 days delay only the petitioner has preferred the revision, for which no reason has been given, as to why there was a delay of 17 days. Therefore, on that ground only the revision is rejected.

5. However, it is to be noted that Rule 15 of the Patta Passbook Act makes it clear that, such revisions can be filed within 90 days from the date of the order passed in the appeal and that has already been quoted in earlier orders passed by this Court, where direction has been given that the limitation to prefer revision before the District Revenue Officer under Section 13 of the Patta Passbook Act is not 30 days but it is 90 days. Despite the same, without seeing the rule position, it seems mechanically the Revenue Divisional Officers are providing only 30 days for preferring revision before the District Revenue Officer. Hence, these kind of mistakes occur and thereafter the revision filed by the petitioner is rejected through the impugned order and hence the aforestated

impugned order would not stand in the legal scrutiny. Therefore, it is liable to be interfered with. The said legal position is also supported by the learned Special Government Pleader.

6. In view of the above, this writ petition is disposed of with the following order.

- That the impugned order dated 22.12.2022 is set aside and the matter is remitted back to the 2nd respondent to entertain the revision of the petitioner, as the same admittedly has been filed within 90 days.

- Accordingly, after giving an opportunity to the petitioner as well as the 5th respondent, final orders shall be passed in the revision on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above directions, this writ petition is disposed of. No costs.

20.02.2023

Index : Yes/No
Neutral Citation : Yes/No
Speaking Order / Non-speaking order
KST

To

1 The District Collector
Tiruppur Tiruppur District.

2 The District Revenue Officer
Tiruppur Tiruppur District.

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R. SURESH KUMAR, J.

KST

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