



W.P.No.11603 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.11603 of 2019

Varadaraj

... Petitioner

vs.

1. The Collector,
District Collectorate,
Coimbatore District.
2. The District Revenue Officer,
District Collectorate,
Coimbatore District.
3. The Sub Collector,
Pollachi Taluk,
Coimbatore District.
4. The Tahsildar,
Pollachi Taluk,
Coimbatore District.
5. P.Annalakshmi
6. Thangamani
7. Velumani

... Respondents

(R5 to R7 impleaded vide order dated 19.06.2023 made
in WMP.22554/2020 in WP.11603/2019 by SMSJ)



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Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records of the 2nd respondent herein in his proceedings dated 10.01.2019 bearing Ni.Mu.25367/ 2018/E1 and quash the same and consequentially direct the respondents herein to incorporate the petitioner's name in the Pattas for the properties purchased by the petitioner covered under Pattas bearing Nos.1534, 168 and 734.

For Petitioners : Mr.S.Mukunth, Senior Counsel, for
M/s.Sarvabhauman Associates

For Respondents :
(for R1 to R4) : Mr.C.Jaya Prakash, Govt. Advocate
(for R5 to R7) : Mr.L.Mouli

ORDER

The order impugned dated 10.01.2019, passed by the second respondent, rejecting the revision application filed by the writ petitioner challenging the order passed by the third respondent, is under challenge in the present writ petition.

2.An application for cancellation of patta was initially filed before the Tahsildar and an appeal was thereafter filed before the third respondent



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Sub Collector, and the writ petitioner, who is aggrieved from and out of the order passed by the 3rd respondent, preferred a revision petition under Section 15 of the Tamil Nadu Patta Passbook Rules, 1987, before the second respondent. The said application has been rejected through the impugned order on the ground that there is a delay in filing the revision application.

3.The learned Senior Counsel appearing on behalf of the writ petitioner mainly contended that the appellate order was passed on 30.10.2018 and the revision application was filed on 12.12.2018, which is within a period of 90 days from the date of the appellate order and therefore, the revision application filed by the writ petitioner is within the time limit prescribed under the Tamil Nadu Patta Passbook Rules, 1987.

4.Rule 15(1) of the Tamil Nadu Patta Passbook Rules, 1987, stipulates that “*an application under Section 13 to the District Revenue Officer or such officer as may be authorised by the Government in this behalf, for revision of the an order passed by the Tahsildar or the appellate authority shall be filed within ninety (90) days from the date of receipt of the order*”.



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5.The second respondent, even without verifying the rules applicable, rejected the revision application which is unfortunate and shows absolute non-application of mind on the part of the second respondent. An official in the Rank of District Revenue Officer has to reject the application on the ground of limitation only after verifying the limitation prescribed in the statute and rules in force.

6.In view of the facts and circumstances, the order impugned passed by the second respondent in proceeding no.Ni.Mu25367/2018/E1, dated 10.01.2019 is quashed. The second respondent is directed to proceed with the inquiry by following the procedures as contemplated and by affording opportunity to all the parties, and thereafter pass final orders on merits and in accordance with law.

7.Accordingly, the writ petition stands **allowed**. However, there shall be no order as to costs.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

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S.M.SUBRAMANIAM. J.,

(sha)

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