



W.P.(MD)No.23333 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.23333 of 2023

and

W.M.P.(MD)Nos.19519 and 19520 of 2023

1. V.Karpura Sundaram
2. V.Palani Velayutham
3. V.Kandasamy Viswalingam

... Petitioners

versus

1. The District Collector,
Collector's Office,
Madurai.
2. The District Revenue Officer,
Collector Office,
Madurai.
3. The Revenue Divisional Officer,
Collector Office,
Madurai.
4. The Tahsildar,
Madurai North,
Madurai.



W.P.(MD)No.23333 of 2023

5. K.Natarajan

... Respondents

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Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to quash the impugned proceedings of 2nd respondent in O.M.No.G2/880015/2023 dated 31.08.2023 and direct the 2nd respondent to take on file the revision petition filed by the writ petitioners and dispose it on merits and in accordance with law.

For Petitioners : Mr.S.Manohar

For R1 to R4 : Mr.M.Sarangan,
Additional Government Pleader

ORDER

The petitioners have filed this writ petition as against the impugned proceedings dated 31.08.2023, in and by which, the 2nd respondent has rejected the revision petition filed by the petitioners under the Patta Pass Book Act on the ground that the revision petition has been filed belatedly, i.e. after a period of three months and nine



W.P.(MD)No.23333 of 2023

days.

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2. The learned counsel appearing for the petitioners submits that the petitioners have applied for grant of individual patta in respect of S.No.188/5, Samayanallur Village, Madurai before the 4th respondent/the Tahsildar, Madurai North, who forwarded the same to the 3rd respondent/the Revenue Divisional Officer, Madurai. The 3rd respondent, without issuing any notice and providing any opportunity of personal hearing, passed an order on 28.11.2022, rejecting the request made by the petitioners. But, the order copy has not been despatched to the petitioners. The petitioners have received a copy of the order of the 3rd respondent only on 26.05.2023 after applying the same under the Right to Information Act and immediately thereafter, they have preferred a revision petition before the 2nd respondent/the District Revenue Officer, Madurai. However, the 2nd respondent has rejected the same on the ground that the revision petition ought to have been filed within a period of 90 days, however, there was a delay of



W.P.(MD)No.23333 of 2023

three months and nine days in filing the revision and there was no explanation given with regard to the delay of three months and nine days in filing the revision petition. Challenging the same, the present writ petition.

3. Mr.M.Sarangan, learned Special Government Pleader, who takes notice for the respondents 1 to 4 requests for a short accommodation to get instruction.

4. The petitioners have suffered an order of the 3rd respondent/the Revenue Divisional Officer, Madurai, dated 28.11.2022. Challenging the same, they have preferred a statutory revision petition before the 2nd respondent/the District Revenue Officer, Madurai. However, the 2nd respondent, by the order impugned in this writ petition, rejected the same on the ground of limitation.

5. The petitioners claim that the order of the 3rd respondent/the



W.P.(MD)No.23333 of 2023

Revenue Divisional Officer, Madurai, dated 28.11.2022 has not been despatched to them. However, they have received the order copy only on 26.05.2023 after applying the same under the Right to Information Act and thereafter, they have immediately filed a revision petition before the 2nd respondent/the District Revenue Officer, Madurai.

6. Considering the reasons stated by the petitioners that they have received the order of the 3rd respondent only on 26.05.2023 under Right to Information Act, this Court is inclined to allow this writ petition, by setting aside the impugned proceedings of the 2nd respondent.

7. Accordingly, this writ petition is allowed. The impugned proceedings of 2nd respondent in O.M.No.G2/880015/2023 dated 31.08.2023 is hereby set aside. The 2nd respondent/the District Revenue Officer, Madurai, shall take up the revision petition filed by the petitioners and pass orders thereon, after providing an opportunity



W.P.(MD)No.23333 of 2023

to the parties concerned, as expeditiously as possible. No costs.

Consequently, connected miscellaneous petitions are closed.

25.09.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

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W.P.(MD)No.23333 of 2023

B.PUGALENDHI, J.

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W.P.(MD)No.23333 of 2023

25.09.2023