



W.P(MD)No.26014 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.26014 of 2023

1.J.S.Ramya

2.J.P.Arjun

... Petitioners

Vs.

1.The Commissioner,
O/o.Land Administrative Commissioner,
Ezhilagam,
Chepauk,
Chennai-600005.

2.The District Revenue Officer,
Dindigul District,
Dindigul.

3.The Revenue Divisional Officer,
Kodaikanal,
Dindigul District.

4.The Special Tahsildar (Assignment)
Kodaikanal,
Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for records relating to the impugned order in Letter No. F1/5383578/2023 dated 05.09.2023 passed by the 1st respondent and quash the same and consequently, direct the 1st respondent to pass orders on merits on the petitioner's Revision Petition which was received by the 1st respondent office on 08.08.2023.



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For Petitioners : Mr.V.Sasi Kumar
For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

Heard both sides.

2. The petition mentioned land was assigned in favour of one Maria Soosai in the year 1983. The said Maria Soosai sold the property in favour of one Susai Raj in the year 2002. According to the petitioners, the sale took place after the assignee had taken permission from the jurisdictional RDO. Susai Raj sold the property in favour of the petitioners in the year 2017. Patta was mutated in favour of the petitioners herein. It is stated that without notice to the petitioners, patta was cancelled by the jurisdictional RDO in the year 2019. Aggrieved by the same, the petitioners filed an appeal before the District Revenue Officer, Dindigul. The District Revenue Officer dismissed the appeal on 13.05.2023. An order on merits was passed. Aggrieved by the same, the petitioners filed an appeal before the Commissioner of Land Administration. The said appeal was dismissed on the ground that it was belatedly filed. Challenging the said dismissal order dated 05.09.2023, the present writ petition has been filed.



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3. RSO-15 (18) states that no application for revision shall ordinarily be entertained on expiration of 60 days from the date on which the decision or order sought to be revised was received by the applicant. It is obvious that there is no prohibition against the entertaining of the revision petition on expiration of the limitation period prescribed in the aforesaid provision. The expression '*ordinarily*' is significant. In this case, the order was passed by the DRO, Dindigul on 13.05.2023. The petitioner received the same on 20.05.2023. They should have preferred the revision on or before 20.07.2023. There was a delay of less than three weeks in filing the revision petition. In my view, this is not too inordinate. Some reasons have been set out in the affidavit filed in support of the writ petition for belatedly invoking the jurisdiction of the first respondent. In my view, they are acceptable. The petitioners are also to be blamed. The petitioners could have filed an application along with their revision petition calling upon the revisional authority to accept their revision petition, even though it had been submitted with a delay of 18 days. The first respondent instead of rejecting the revision petition could have returned the application calling upon the petitioners to re-submit the same along with an application for entertaining the revision petition belatedly.



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4. Since the petitioner's property rights are involved, the authority ought not to adopt a technical approach. Liberal approach is warranted in such matters. The impugned order is therefore set aside. It is stated that the revision petition is still lying in the office of the first respondent. The office of the first respondent is directed to number the revision petition filed by the petitioners against the order dated 13.05.2023 passed by the District Revenue Officer, Dindigul. The petitioner is also directed to enclose the copy of the revision petition already filed by the petitioner while submitting this order copy.

5. I must place on record the submission of the learned Additional Government Pleader that the assignment order which is said to be the foundation of the writ petitioner's claim is non-existent. It is said to be a bogus one. I have not gone into the veracity of this allegations. It is for the first respondent to verify the same in this regard and pass an appropriate order on merits and in accordance with law. I make it clear that I have not gone into the merits of the matter.

6. The Writ Petition is allowed on these terms. No costs.

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Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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