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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.A.No.74 of 2024

and

C.M.P.No.413 of 2024

1.The Principal Secretary,
Commissioner of Land Administration,
Ezilagam, Chepauk,
Chennai – 600 005.

2.The District Revenue Officer,
Thiruvallur,
Thiruvallur District.

3.The Revenue Divisional Officer,
Thiruvallur,
Thiruvallur District.

... Appellants

Vs.

R.Anbalakan

... Respondent

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order passed in W.P.No.34220 of 2023 dated 12.12.2023 and allow the writ appeal.



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For Appellants	: Mr.A.Selvendran Special Government Pleader
For Respondent	: Mr.S.Sarath Kumar For Mr.M.Balasubramanian

J U D G M E N T

[Judgment was delivered by **S.M.SUBRAMANIAM, J.**]

The writ appeal has been instituted challenging the order dated 12.12.2023 passed in W.P.No.34220 of 2023.

2. The Writ Court considered the issues and issued a direction to the Commissioner, Land Administration to dispose of the Appeal submitted by the petitioner on 13.12.2021, on merits and in accordance with law after affording due opportunity of hearing to the parties. The respondent in the writ proceeding preferred the appeal mainly on the ground that the issues have already been decided by the District Revenue Officer, since it relates to Updating of Registry Scheme (UDR) patta. Therefore, the petitioner therein has to approach the Competent Civil Court of Law for the purpose of



establishing his civil rights. Thus, the order of the Writ Court is to be set aside. That apart, the Writ Court awarded a sum of Rs.10,000 towards costs.

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3. The prayer sought for in the writ petition by the respondent herein is to consider the appeal petition dated 13.12.2021 filed before the Commissioner of Land Administration. Having considered the relief as such sought for in the writ petition, it becomes unnecessary to impose costs. Once the Writ Court has granted relief in favour of the writ petitioner imposing a cost of Rs.10,000/- on the respondent in the writ petition for not disposing of the appeal is unnecessary.

4. The Commissioner of Land Administration is dealing with hundreds of complaints and burdened with administrative works at State level. Therefore, it may not be possible for the Commissioner of Land Administration to dispose of all the appeals within a short span of time. One cannot expect that all the appeals are to be disposed of in a short span and on some occasion it takes some time for the officials to verify the old revenue records and take a final decision. Therefore, we are of the opinion that cost imposed is unnecessary. However, the direction issued by the Writ Court to dispose of the appeal as such sought for in the writ petition stands confirmed.



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5. The appellants shall decide the appeal filed by the respondent on merits as expeditiously as possible, preferably within a period of four (4) weeks from the date of receipt of a copy of this order.

6. In fine, the order impugned in W.P.No.34220 of 2023 dated 12.12.2023, issuing a direction to the Commissioner of Land Administration to dispose of the appeal stands confirmed. The costs of Rs.10,000/- imposed alone is set aside.

7. Accordingly, the Writ Appeal stands allowed-in-part. No costs. Consequently, connected Miscellaneous Petition is closed.

[S.M.S., J.] [K.R.S., J.]
27.03.2024

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Index : Yes
Speaking order / Non-speaking order
Neutral Citation : Yes



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