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WP.No.10370 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.10370 of 2024

T.S.Jothibas

.. Petitioner

Versus

1. The District Revenue Officer,
Erode, Erode District.

2. The Revenue Divisional Officer,
Erode, Erode District.

3. The Tahsildar,
Perundurai, Erode District.

4. G.Arunachalam

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records on the file of the first respondent in Mu.Mu.1895/2024/U4, dated 12.03.2024 and quash the same and consequently direct the first respondent to entertain the revision.

For Petitioner : Mr.S.Kaithamalai Kumaran

For Respondents : Mr.A.Selvendran
Special Government Pleader – R1 to R3



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ORDER

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With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition is filed to quash the impugned proceedings of the first respondent in Mu.Mu.1895/2024/U4, dated 12.03.2024 and consequently direct the first respondent to entertain the revision and pass Orders on the revision on merits and in accordance with law after giving personal hearing opportunity to the petitioner.

3. Heard learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 3 and perused the materials available on record.

4. The case of the petitioner is that the petitioner had made an application for grant of patta in respect of the lands of the petitioner and patta has also been issued in the name of the petitioner. On the application filed by the fourth respondent, the patta granted to the petitioner has been cancelled by the third respondent as against which a revision has been filed before the first respondent and the first respondent rejected the revision on the ground of



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limitation without taking into consideration the original appeal filed by the petitioner. Hence, the present Writ Petition.

5. The impugned Order has been mainly challenged on the ground that the appeal was filed in the year 2020, the same has not been considered by the second respondent. It is the contention of the petitioner that the petitioner has originally given a representation to the petitioner in the year 2020 itself and only on the instructions of the respondents, the petitioner has given a fresh representation on 11.01.2024. However, now the revision has been rejected on the ground that there is a delay of three years. Hence, it is his contention that the impugned Order cannot be sustained in the eye of law.

6. I have perused entire materials available in the typed set, particularly the acknowledgement of the year 2020 makes it clear that the appeal has been received by the second respondent. However, the same has not been considered in time. Thereafter, a fresh revision has been received on 11.01.2024 and the same has been rejected on the ground of limitation. When the appeal has already been filed in time and the same has not been considered in time, non suiting the representation on the ground of limitation cannot be sustained in the eye of law.



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7. Accordingly, this Writ Petition is allowed and the impugned order is set aside and the first respondent is directed to hear the appeal after affording opportunity to the petitioner and all the parties concerned. No costs.

17.04.2024

vrc

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No

To,

1. The District Revenue Officer,
Erode, Erode District.
2. The Revenue Divisional Officer,
Erode, Erode District.
3. The Tahsildar,
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N. SATHISH KUMAR, J.

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