IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.2044 of 2022

Mr.Selvamani ... Petitioner

Vs.

1. The District Revenue Officer
   Krishnagiri
   Krishnagiri District

2. Tmt.Gowrammal

3. Rajeswari

4. Panjalai

5. Chinnapapa

6. Alamelu

7.Bathmini

8.Rani

9. Thavamani

10. Mukkammal

11. Vediyappan

12. Palaniyappan

13. Rajaammal

*14. The Revenue Divisional Officer
Krishnagiri District ... Respondents

(***R14 suo motu impleaded vide this order**)

Writ Petition filed under Article 226 of The Constitution of India praying to issue writ of mandamus directing the first respondent to dispose of the petitioner's appeal dated 28.07.2021 within a specific time frame as may be fixed by this Court.

For Petitioners	:	Ms. L.Aishwaryalakshmi
For Respondents	:	Mr.T.K.Saravanan Addl. Govt. Pleader for R1 and R14

ORDER

[Order of the Court was made by **M.SUNDAR, J.,**]

Fulcrum of the captioned 'Writ Petition' ['WP' for the sake of brevity] is an 'appeal dated 28.07.2021', which shall hereinafter be referred to as 'said appeal' for the sake of convenience and clarity. The said appeal has been preferred assailing an 'order dated 11.06.2021 bearing reference *ந.க.927/2021/அ3* made by the jurisdictional Tahsildar' [hereinafter 'impugned order' for the sake of convenience].

2. Ms.L.Aishwaryalakshmi, learned counsel for writ petitioner submits that appeal is dated 28.07.2021, it has been filed before R1 on 29.07.2021, it has been pending for a considerable time and therefore, the prayer may please be acceded to.

3. In response to the submission of learned counsel for writ petitioner, Mr.T.K.Saravanan, learned State counsel for R1 submits that an appeal against the impugned order will lie to the jurisdictional 'Revenue Divisional Officer' ['RDO'] and not R1. In support of his contention, learned State counsel submitted that the said appeal is a statutory appeal under Section 12 of 'the Tamil Nadu Patta Pass-Book Act, 1983 [Tamil Nadu Act 4 of 1986]' {hereinafter 'said Act' for the sake of brevity}. Learned State counsel drew our attention to Section 12 of said Act, which reads as follows:

> *'12.**Appeal**. - Any person aggrieved by an order made by the Tahsildar under this Act may, within such period as may be prescribed, appeal to such authority as may be prescribed and the*

decision of such authority on such appeal shall, subject to the provisions of section 13, be final.'

4. Learned State counsel also submitted that an Appellate Authority has been prescribed vide Rule 14 of 'the Tamil Nadu Patta Pass-Book Rules, 1987' [hereinafter 'said Rules' for the sake of brevity] and drew our attention to Rule 14, which reads as follows:

> *'**14. Appeal-**An appeal against any order of the Tahsildar passed under the Act shall be filed before the officer in charge of Revenue Division in whose jurisdiction the property lies within a period of thirty days from the date of the receipt of the order.*

5. In this regard, our attention was also drawn to paragraphs 5 and 11 of counter affidavit of R1 (counter affidavit dated 23.03.2022), which read as follows:

> *'5. It is submitted that aggrieved with the said order of the Tahsildar, Uthangarai, the petitioner had preferred an appeal to this respondent on 23.07.2021. The said appeal is pending with this respondent. In this connection, it is submitted that the Revenue Divisional Officer is the 1st appellant authority against the order of the Tahsildar Uthangarai is the Revenue Divisional Officer, Krishnagiri. This respondent is the 2nd appellant in this matter. The petitioner without preferring the appeal to the Revenue Divisional*

Officer, Krishnagiri has directly approached this respondent without valid grounds and reasons. Hence the petitioner was informed in Na.Ka.No.21158/2021/H3 dated: 03.08.2021 to prefer appeal to the Revenue Division Officer Krishnagiri and seek redress.'

'11. It is submitted that the Revenue Divisional Officer Krishnagiri is the 1st appellant authority against the order of the Tahsildar, Uthangarai order proceedings in No.927/2021/A3 dated 11.06.2021. Hence the petitioner was already informed in Na.Ka.No.21158/2021/H3 dated.03.08.2021 to prefer appeal to the 1st appellant authority/the Revenue Divisional Officer, Krishnagiri and seek redress.'

6. It was further submitted that post appeal, a revision under Section 13 of said Act will lie to R1.

7. Therefore, it is clear that RDO is the Appellate Authority and DRO is the Revisional Authority in the scheme of said Act.

8. As the writ petitioner has been duly communicated about the above position, it is for the writ petitioner to approach the Appellate Authority, concerned. In this view of the matter, we dispense with notice to the private respondents and take up the main WP with the consent of learned counsel

for writ petitioner and learned State counsel. We also make it clear this order will not impact the rights and contentions of the private respondents in any manner and on the contrary, all the rights and contentions of the private respondents are preserved in the appeal, revision or any other proceedings at hand.

9. The sequitur of the narrative thus far makes it clear that the prayer of the writ petitioner cannot be acceded to. Nonetheless, we make it clear that it is open to the writ petitioner to approach jurisdictional RDO with an appeal under Section 12 of said Act and it also open to the writ petitioner to seek exclusion of time spent in the captioned writ petition by resorting to Section 14 of the Limitation Act, 1963. If such a course is adopted, the condonation of delay plea and the appeal shall be considered by the jurisdictional RDO on its own merits and in accordance with law. For this purpose we *suo motu* implead Revenue Divisional Officer, Krishnagiri District as R14 and Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for R14 also.

Captioned WP disposed of in the aforesaid manner. There shall be no order as to costs.

(M.S.,J.) **(H.C.,J.)**

17.06.2025

Index : Yes / No
Neutral Citation : Yes / No
gpa

To

1. The District Revenue Officer
   Krishnagiri
   Krishnagiri District

2. The Revenue Divisional Officer
   Krishnagiri District - 635 001

M.SUNDAR, J.,
and
HEMANT CHANDANGOUDAR, J.,

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