



WEB COPY



W.P. No.9378 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR
and
THE HONOURABLE MRS. JUSTICE K. GOVINDARAJAN THILAKAVADI

W.P.No.9378 of 2025

Ramani

Petitioner

vs.

1. The Revenue Divisional Officer
Vellore Taluk
Gudiyattam Road
Katpadi
Vellore 632 007

2. The Tahsildar
Vellore Taluk
Aarani Road
Velapadi
Vellore 632 001

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to consider the petitioner's appeal dated 19.09.2024 received by the first respondent on 04.10.2024, for grant of patta for the land in Survey No.73/15, Palavansathu Village, Vellore District and pass appropriate orders within a time frame.



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For petitioner Mr. C. Vigneswaran

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ORDER

[made by M.SUNDAR, J.]

Subject matter of captioned 'writ petition' [hereinafter 'WP' for the sake of brevity] is a statutory appeal (appeal dated 19.09.2024) [hereinafter 'said appeal' for the sake of convenience and clarity] filed by the writ petitioner before R1 (Revenue Divisional Officer) received by R1 on 04.10.2024.

2. Mr. C. Vigneswaran, learned counsel on record for writ petitioner, submitted that said appeal is 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) and Rule 14 of 'the Tamil Nadu Patta Pass Book Rules, 1987' (hereinafter 'said Rules' for the sake of brevity). Said appeal has been filed assailing an order dated 24.01.2024 bearing reference Na.Ka.A3/112/2022 made by R2 (Tahsildar) rejecting the writ petitioner's request for patta, is learned counsel's further say.



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3. It is seen from said Act and said Rules, more particularly, Rule 14 of said Rules captioned 'Appeal' that said appeal ought to have been filed within a period of 30 days from the date of receipt of the order of R2.

4. Learned counsel submits that he does not have the exact date on which order of R2 (being order dated 24.01.2024 bearing reference Na.Ka. A3/112/2022) was received by the writ petitioner but it is in the first week of February 2024. Even if 09.02.2024 (being last working day of first week of February 2024) is notionally taken as date of receipt of order of R2 by writ petitioner, 30 days (being period of limitation) would have lapsed on 10.03.2024. Therefore, said appeal ought to have been filed with a 'Condonation of Delay' (hereinafter 'CoD' for the sake of brevity) petition but the same has not been done.

5. Faced with the above situation, learned counsel for writ petitioner sought leave of this Court to withdraw the captioned WP but made a plea to preserve all the rights and contentions of the writ petitioner and grant liberty to the writ petitioner to file a CoD application *qua* said appeal. This request is acceded to.



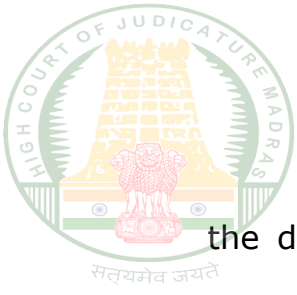
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6. A scanned reproduction of the endorsement made by learned counsel on record for writ petitioner in the case file in this regard is as follows:

Seeking liberty to file
Condonation of Delay
Application before the 1st deposit
and this writ Petition
is withdrawn seeking
above liberty
C. Vigneshwaran
2012/2009
Counsel for Petitioner
C. Vigneshwaran.

7. Learned counsel for writ petitioner submitted that CoD application before R1, i.e., CoD application *qua* said appeal would be filed within a fortnight from today i.e., on or before 02.04.2025. If CoD application is filed, the same shall be considered on its own merits and in accordance with law by R1 untrammelled by withdrawal of captioned WP. Likewise, we make it clear that if delay is condoned at



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the discretion of R1, main appeal will also be heard out on its own merits and in accordance with law untrammelled by withdrawal of captioned WP. We further make it clear that if CoD application is rejected, all rights of the writ petitioner to assail such rejection are preserved.

8. In the light of the narrative thus far, captioned WP is disposed of as withdrawn/closed albeit with preservation of all rights/contentions of writ petitioner and by granting liberty to writ petitioner in the aforesaid manner. There shall be no order as to costs.

(M.S., J.) (K.G.T., J.)
19.03.2025

cad
Index : Yes/No
NC : Yes/No



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M.SUNDAR, J.

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