(2011) 07 MAD CK 0368

Madras High Court

Case No: Writ Petition (MD) . No. 542 of 2006

Ammavasai		APPELLANT
	Vs	
The Commissioner of Land Administration, Government of Tamil Nadu		RESPONDENT

Date of Decision: July 4, 2011

Acts Referred:

- Limitation Act, 1963 - Section 14
- Tamil Nadu Patta Pass Book Act, 1983 - Section 13, 14

Hon'ble Judges: Vinod k. Sharma, J

Bench: Single Bench

Advocate: R. Aravindan, for the Appellant; D. Muruganandam, Addl. Gov. Pleader, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

Vinod k. Sharma, J.
The Petitioner has invoked the extraordinary jurisdiction of this Court, to challenge the order passed by the Commissioner of Land Administration in revision, filed by the Petitioner, which was ordered to be dismissed as barred by limitation.

2. The learned Counsel for the Petitioner contended, that the Petitioner was issued a patta by properly classifying the land, which was subsequently allotted to the Petitioner. The Petitioner being aggrieved by the order of changing of category of the land, filed revision u/s 13 of the Tamil Nadu Patta Passbook Act 1983. The District Revenue Officer, also rejected the revision.

3. The Petitioner, thereafter challenged the order passed by the District Revenue Officer, before the Special Commissioner of Land Administration and Commissioner Land Administration, Chepauk, Chennai.

4. The learned Special Commissioner for Land Administration and the Commissioner of Land Administration rejected the revision being time barred by holding that the grounds taken for condonation of delay did not constitute sufficient cause.

5. Though, prima facie the impugned order can not be sustained, for the reasons that it is non-speaking order, as the order does not disclose the grounds taken for the condonation of delay and as to why the grounds did not constitute sufficient cause for condonation of delay.

6. However, this Court cannot be accepted for the simple reason, that the revision before the Commissioner of Land Administration, was not competent, as under the Tamil Nadu Patta Passbook Act 1983.

7. The decision of the District Revenue Officer in the revision is final, and is subject to challenge in the civil suit only.

8. Section 14 of the Tamil Nadu Patta Passbook Act 1983 reads as follows:

No suit shall lie against the Government or any officer of the Government in respect of a claim to have an entry made in any patta pass-book that is maintained under this Act or to have any such entry omitted or amended:

Provided that if any person is aggrieved as to any right of which he is in possession, by an entry made in the patta pass-book under this Act, he may institute a suit against any person denying or interested to deny his title to such right, for a declaration of his rights under Chapter VI of the SpecificRelief Act, 1963 (Central Act47of1963); and the entry in the patta pass-book shall be amended in accordance with any such declaration.

9. In view of the reasons stated, the writ petition is ordered to be dismissed, as No. useful purpose will be served by remanding the case to the Commissioner of Land Administration, Chennai, by condoning the delay, as the Commissioner of Land Administration as No. jurisdiction to entertain said revision.

10. Keeping in view of the fact that the Petitioner was bona-fide prosecuting this case before this Court, the Petitioner if so advised can challenge the impugned order by filing civil suit, in that event the Petitioner shall be entitled to the benefits u/s 14 of the Limitation Act. No. costs