

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.5996/2014

P.Ponnysamy

..

Petitioner

Versus

1.The Tahsildar
Sankari Taluk
Salem District.

2.The Revenue Divisional Officer
Sankari, Salem District.

3.A.Nallamuthu

..

Respondents

**R3 impleaded as per the order of
this court made in MP.No.1/2014
dated 19.02.2015.

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 2nd respondent to dispose of the petitioner's appeal made in e.f.No.486/2013[rp] within the time frame to be fixed by this Court.

For Petitioner : Mr.C.Munusamy

For RR 1 & 2 : Mr.S.Gunasekaran, GA

ORDER

Heard Mr.C.Munusamy, learned counsel for the petitioner and Mr.S.Gunasekaran, learned Government Advocate appearing for the respondents 1 and 2 and perused the materials available on record. Since the writ petition is disposed of without notice to the impleaded respondent/3rd respondent herein, the merits of the allegations made by the petitioner as against the 3rd respondent are not gone into and it is left open to the official respondents to take note of the same.

2.The petitioner seeks for issuance of a writ of mandamus to direct the 2nd respondent to dispose of the petitioner's appeal made in e.f.No.486/2013[rp] within the time frame to be fixed by this Court.

3.The case of the petitioner is that the land in question originally belonged to one Rathinasamy, who bequeathed his property to the Malaiyandi Muniyappan temple by way of a registered Will dated 09.12.1994. But the 3rd respondent herein, in connivance with the 1st respondent herein, claimed to be the owner of the property in dispute and got the Patta No.1851 transferred in his name. While so, the 3rd respondent herein has also filed a suit in OS.No.243/2004 on the file of the District Munsif, Sankari praying for declaration of the unregistered Will is a genuine Will. The said suit is pending. The 1st respondent, without considering the oral and documentary evidence available on record, has transferred the patta in the name of the 3rd respondent. As against the said order of the 1st respondent, the petitioner has preferred an appeal before the 2nd respondent in Na.Ka.No.486/2013 [C] which is pending.

4.In the light of the above facts, without going into the merits of the petitioner's contentions, there will be a direction to the 2nd respondent to dispose of the petitioner's appeal in Na.Ka.No.486/2013 [c] on merits and in accordance with law after issuing notice to the petitioner as well as to the 3rd respondent and after hearing them in person, within a period of three months from the date of receipt of a copy of this order.

5.The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar
Dated:9.3.15

True Copy

Sub Assistant Registrar

To

1.The Tahsildar
Sankari Taluk
Salem District.

2.The Revenue Divisional Officer
Sankari, Salem District.

+1 cc to Government Pleader,SR.9446.

+1 cc to M/s.C.Munusamy, Advocate,SR.9195.

sai(co)
krd 10/3

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