

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.05.2015

CORAM

THE HONOURABLE MR .JUSTICE **R.SUBBIAH**

W.P.No.14689 of 2015

and

M.P.No.1 of 2015

K.Prithiviraj

.. Petitioner

Vs.

1.The District Revenue Officer,
Kancheepuram

2.The Revenue Divisional Officer,
Tambaram

3.K.Ravi

4.D.Valli

5.D.Selvi

6.D.Selvam

7.D.Janakiraman

8.D.Latha

9.D.Krishnan

10.D.Vedavalli

11.D.Panchanathan

... Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the first respondent to dispose of the statutory appeal filed by the petitioner on 11.05.2015 against the order of the 2nd respondent in his proceedings in Na.Ka.No.3422/2012/A dated 00.07.2013.

For Petitioner : Mr.M.Kempraj

For Respondents : Mr.R.Vijayakumar,A.G.P.
for R1 and R2

ORDER

Heard Mr.M.Kempraj, learned counsel appearing for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader, who takes notice for R1 and R2.

2. This writ petition has been filed for a mandamus directing the first respondent to dispose of the statutory appeal filed by the petitioner, on 11.05.2015, against the order of the 2nd respondent in his proceedings in Na.Ka.No.3422/2012/A dated 00.07.2013

3. It is the case of the petitioner that his father K.Krishnaswamy Chettiar was granted with Ryotwari Patta to an extent of 85 cents in Survey No.227/8. Subsequently, his father settled the property in his favour in the year 1980. Ever since, he has been in continuous possession and enjoyment of the land for the past 57 years. This being the position, based on a petition filed by one K.Sundararajan of Palavakkam, the District Revenue Officer,

Kanchipuram, cancelled the patta granted in favour of the petitioner's father and reduced his ownership to an extent of 43 cents and ordered for issuance of patta for an extent of 43 cents. The said order was challenged by the petitioner before the Commissioner of Land Administration, Chepauk, Madras. The Commissioner, vide order dated 6.8.1999, set aside the order of the then District Revenue Officer and remitted the matter to the Revenue Divisional Officer, Chengalpattu, for appropriate orders, after verifying the records. The Revenue Divisional Officer, Chengalpattu had rejected the claim of the said Sundararajan. As against which, the said Sundararajan preferred a revision before the District Revenue Officer, which was also dismissed. The said order was challenged before the Special Commissioner and Commissioner of Land Administration, Chennai, by way of revision, and the same was dismissed, vide order dated 31.03.2003. Thus, it is the case of the petitioner that he has been in peaceful possession and enjoyment of the property till date.

4. It is also stated that subsequently, one K.Ravi, the third respondent herein, filed a petition before the Revenue Divisional Officer, Tambaram, seeking cancellation of the patta issued in favour of the petitioner's father, to an extent of 85 cents in Paimash No.341A, in Survey No.227/8, Kottivakkam. The Revenue Divisional

Officer, Tambaram, in his order in Na.Ka.No.3422/20212A, undated 00.07.2013, cancelled the Patta No.877 stood in the name of the petitioner and ordered for issuance of patta in the names of Valli, daughter of Dasarathan and 7 others, to an extent of 42 cents. It is the grievance of the petitioner that no notice whatsoever was issued to him before cancelling the patta issued in his favour and the order passed by the Revenue Divisional Officer, Tambaram, is an exparte one. Hence, the petitioner has preferred an appeal before the first respondent, the District Revenue Officer, Kancheepuram. Since no orders have been passed on the said appeal, the petitioner is before this Court seeking a direction to the first respondent to dispose of the statutory appeal filed by him.

5. Considering the facts and circumstances of the case, without delving deep into the merits of the case, suffice it to direct the first respondent to consider and dispose of the statutory appeal, dated 11.05.2015, preferred by the petitioner, on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. Till such time, status-quo as on date shall be maintained by both the parties.

6. The writ petition is disposed of accordingly. No costs.

Connected miscellaneous petition is closed.

14.05.2015

msk
To

- 1.The District Revenue Officer,
Kancheepuram
- 2.The Revenue Divisional Officer,
Tambaram

R.SUBBIAH, J.

msk

W.P.No.14689 of 2015

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