

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 08.07.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.20135 of 2015

Thangamani

... Petitioner

Versus

1. The District Revenue Officer
District Collector Office
Dharmapuri District Dharmapuri.

2 The Revenue Divisional Officer
Office of The Revenue Divisional Officer
Harur Dharmapuri District

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the 1st respondent herein to forthwith consider and pass orders on the appeal dated 25.3.2013 preferred by the petitioner against the orders of the 2nd respondent in Na.Ka. No.5540/ 2012/A3 dated 23.2.2013.

For Petitioner : M/s.G.Arul Murugan

For Respondents : Mr.R.Vijayakumar
Additional Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner claims to be the absolute owner of agricultural lands admeasuring to an extent of 2.53.0 hectares in Survey No.79/1, Ponneri Village, Harur Taluk, Dharmapuri District and the said lands were purchased by him through a registered sale deed dated 27.05.1982 and claims to be in possession, right from the date of purchase.

3. The petitioner would further state that the 2nd respondent issued a show cause notice dated 04.08.2012, calling for explanation as to why patta should not be cancelled and resumed by the Government by reclassifying as "Government Tharisu/porombokke"

on the ground that the above lands were originally classified as Adi Dravidar Conditional Assignment Lands.

4. The petitioner has offered his explanation on 20.08.2012, stating among other things that the lands were never classified either as Adi Dravidar Conditional Assignment Land or Government Porombokke. The petitioner along with six others also filed a suit in O.S.No.108 of 2013 on the file of the Court of District Munsif, Harur, praying for declaration of right and title over the suit properties and for consequential relief of permanent injunction. The suit after contest was dismissed on 31.07.2014.

5. Challenging the judgment and decree passed in the said suit, the petitioner has also filed an appeal before the jurisdictional Subordinate Court and the same is also pending. In the interregnum, the 2nd respondent by considering the show cause notice has cancelled the patta and challenging the legality of the same, the petitioner also filed an appeal dated 25.03.2013 before the 1st respondent and came forward to file this writ petition for earlier disposal of the appeal.

6. Heard the submissions of the learned counsel appearing for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

7. This Court, taking into consideration the limited scope of the prayer and without going into the merits of the claim projected by the petitioner in this writ petition, directs the 1st respondent to consider the appeal dated 25.03.2013, preferred by the petitioner, in accordance with law, after putting on notice the persons concerned and pass orders within a period of six weeks, from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as the persons concerned.

8. The writ petition is disposed of, accordingly. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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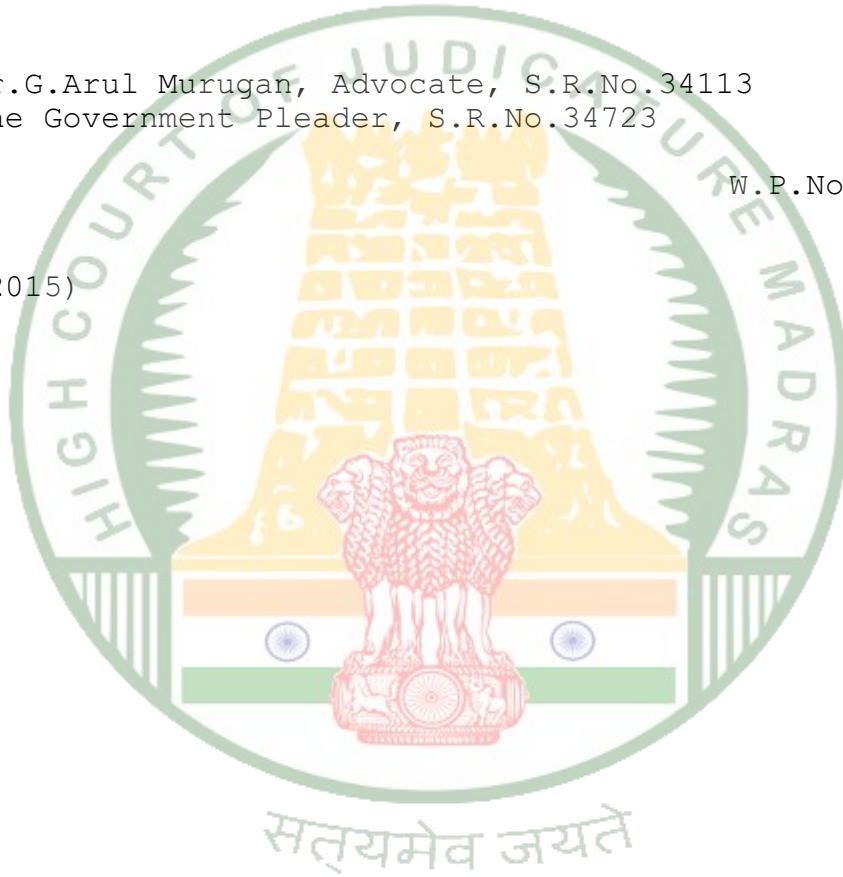
To

1. The District Revenue Officer
District Collector Office
Dharmapuri District Dharmapuri.
- 2 The Revenue Divisional Officer
Office of The Revenue Divisional Officer
Harur Dharmapuri District

+1cc to Mr.G.Arul Murugan, Advocate, S.R.No.34113
+1cc to the Government Pleader, S.R.No.34723

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KK (CO)
CA(22/07/2015)



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