

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.20955 of 2015

A.Durairajan

... Petitioner

Vs.

1. The District Collector,  
Thiruvannamalai District,  
Tiruvannamalai,
2. The Revenue Divisional Officer,  
Thiruvannamalai,
3. The Tahsildhar,  
Tiruvannamalai,
4. The Commissioner,  
Thiruvannamalai Municipality,  
Thiruvannamalai,
5. A.Vidhyalakshmi
6. P.Valliammal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus to direct the respondent herein to dispose of the appeal dated 21.09.2012 within a reasonable time to be fixed by this Court.

For Petitioner : Mr.T.Dhanyakumar  
For Respondents : Mr.V.Subbiah,  
Spl.Govt.Pleader for RR1 to 3  
Ms.P.Rajalakshmi, Govt.Advocate for R.4

## ORDER

With the consent of the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner would state that his father has filed O.S.No.1034 of 1982 on the file of the District Munsif's Court, Tiruvannamalai praying for declaration and recovery of possession in respect of the property of an extent of 448 1/2 sq.ft at Thiruvannamalai Town and it was dismissed on 2.3.1993 and challenging the same he has filed an appeal in A.S.No.24 of 1993 on the file of Subordinate Judge, Tiruvannamalai and it was also dismissed on 28.10.1993 and aggrieved by the same he filed Second Appeal in S.A.No.906 of 1994 on the file of this Court and it was allowed by this Court vide judgment and decree dated 29.3.2005. The execution was levied by filing R.E.P.No.93 of 2011 and delivery was ordered and possession of property was also taken through Court on 9.8.2011 and thereafter the partition took place on 8.4.2009 between the members of the family, and consequently petitioner became the absolute owner of the said property and claims to be in possession and enjoyment of the said property. It is further stated by the petitioner that the 5<sup>th</sup> respondent said to have purchased the property from the 6<sup>th</sup> respondent herein including the above said property and sub-division of patta was also effected. The petitioner in this regard has submitted a representation dated 24.8.2012 to the 1<sup>st</sup> respondent with copies marked to respondents No.2 and 3 to rectify the defects and issue patta in his name and vide proceedings dated 29.8.2012, the 3<sup>rd</sup> respondent has informed the petitioner that he has to prefer an appeal against the order of the 3<sup>rd</sup> respondent to the 2<sup>nd</sup> respondent. Accordingly the petitioner filed appeal/representation before the 2<sup>nd</sup> respondent on 14.5.2013 to cancel the patta issued in the name of the 6<sup>th</sup> respondent and to issue patta in his name and the 2<sup>nd</sup> respondent by proceedings dated 12.8.2013 directed the 3<sup>rd</sup> respondent to take appropriate action and since nothing has happened, the petitioner came forward to file this writ petition.

3. Heard the submission of Mr.T.Dhanyakumar, learned counsel appearing for the petitioner and Mr.V.Subbiah, learned Special Government Pleader appearing for respondents 1 to 3 and Ms.P.Rajalakshmi, learned Government Advocate appearing for the 4<sup>th</sup> respondent.

4. This Court, taking into consideration of the limited scope of the prayer sought for by the petitioner, without going into the merits of the claim projected by the petitioner, directs the 2<sup>nd</sup> respondent to consider and pass orders on the appeal dated 14.5.2013

preferred by the petitioner, after putting on notice respondents No.5 and 6, within a period of eight weeks from the date of receipt of copy of this order and communicate the decision taken, to the petitioner as well as respondents 5 and 6.

The writ petition is disposed of accordingly. However, there is no order as to costs.

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,  
Thiruvannamalai District,  
Thiruvannamalai
2. The Revenue Divisional Officer,  
Thiruvannamalai
3. The Tahsildhar,  
Thiruvannamalai
4. The Commissioner,  
Thiruvannamalai Municipality,  
Thiruvannamalai

+1cc to Mr.T.Dhanyakumar, Advocate, S.R.No.35746  
+1cc to the Government Pleader, S.R.No.35700

सत्यमेव जयते

W.P.No.20955 of 2015

AK(CO)  
CA(29/07/2015)

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