

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2015

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No. 26665 of 2015

G. Radhakrishnan

...Petitioner

Vs.

1.The Revenue Divisional Officer,
Thirukovillur,
Villupuram District.

2.The Tahsildar,
Ullundurpet Taluk,
Villupuram District.

3.Mrs. Gangabai,

4.Mr. Lakshmanan,

5.Mrs. Kanagavalli.

...Respondents

This petition is filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the 1st respondent to pass appropriate orders on the representation of the petitioner dated 10.02.2012 submitted for restoration of Patta in his name for his land comprised in S.Nos. 76/2, 76/3, 76/6D and 74/11A, measuring total extent of 1.78.5 Hectare, situated at Thenmangalam Village, Ullundurpet Taluk, Villupuram District, in light of the Decree passed in A.S. No. 170/1998 dated 18.09.2000, on the file of the Hon'ble Addl. Sub-Judge at Villupuram pursuant to the enquiry Notice of the 1st respondent in his proceedings in Na.Ka.A3/143/10, dated 21.02.2013.

For Petitioner

:

M/s.A.Ramalingam

For Respondents 1 & 2

:

Mr.R.A.Senthilvel,

Addl. Government Pleader

ORDER

It is seen from the record that there is a dispute between the petitioner and respondent No. 3. The petitioner has succeeded before the first appellate Court. It is the petitioner who filed the suit for declaration and permanent injunction vide O.S. No. 1039 of 1995, which was dismissed by the learned trial Court on 09.11.1998. However on appeal, the same was reversed by the learned first appellate Court in A.S.No. 170 of 1998, dated

18.09.2000. The respondent No. 3 filed a further appeal before this Court in S.A.No. 643/2002 and the same was dismissed for default on 04.10.2010. It is seen that the respondent Nos. 4 and 5 have purchased the property from the respondent No. 3. The learned counsel submitted that the second appeal has not been restored as on today.

2. The petitioner made representation to the Revenue Divisional Officer, namely the respondent No. 1 on 10.02.2012, for the transfer of patta in pursuance of the decree obtained by him. An opinion of the learned Government Pleader was also obtained. Inquiry notices have been issued on 21.02.2013, 15.10.2014, 12.11.2014 and 09.01.2015. However, no final order has been passed. Therefore, the petitioner has come forward to file the present writ petition.

3. Taking into consideration the above stated facts, a direction is issued to the Revenue Divisional Officer/Sub-Collector, Triukovilur, to pass an appropriate order on the pending inquiry within a period of eight weeks from the date of receipt of copy of this order, after affording a fair and reasonable opportunity to the petitioner as well as the third parties, including the respondent Nos. 3 to 5.

4. The writ petition stands disposed of with the above direction. No Costs.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

rms/rkm

To

1.The Revenue Divisional Officer/Sub Collector
Thirukovillur,
Villupuram District.

2.The Tahsildar,
Ullundurpet Taluk,
Villupuram District.

3.The Ist Addl.Sub Judge, Villupuram.

1 cc to Mr..A.Ramalingam , Advocate Sr.No.45515
1 cc to Government Pleader Sr.No.45816

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skv(co)pmk.14.9.2015