

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.NO.5796 OF 2015
and M.P.NO.1 OF 2015

Saroja

.. Petitioner

Versus

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

2. Amudha

3. Raja

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the first respondent to dispose Statutory Appeal filed by the petitioner dated 21.07.2011 on merits within a timeframe fixed by this Court.

For Petitioner : Mr.A.Sundaravadhanan

For Respondents: Ms.P.Rajalakshmi,
Govt. Advocate for R1

O R D E R

Heard Mr.A.Sundaravadhanan, learned counsel appearing for the petitioner and Ms.P.Rajalakshmi, learned Government Advocate, who accepts notice for the first respondent.

2. With the consent of either side, the writ petition is taken up for final disposal. In view of the order proposed to be passed in this writ petition, no notice was ordered to the respondents 2 and 3.

3. The petitioner seeks for a direction upon the first respondent to dispose Statutory Appeal filed by the petitioner dated 21.07.2011.

4. The petitioner's father one Late.Ponnusamy was assigned with 3.8 Acres of government poramboke land vide DKT1055/73, dated 30.10.1965 and patta was also issued in his father's name. The

petitioner, being only legal heir of his father, inherited the property. The petitioner came to know that pattas were granted, after sub-division, in favour of some other persons in a portion of land under UDR Scheme, without notice to him. Based on the same, the husband of the second respondent filed O.S.No.1168 of 2004 before the II Additional District Munsif Court, Kallakurichi, and the same was decreed. The appeal preferred by the petitioner against the same in A.S.No.37 of 2010 was dismissed. Therefore, the petitioner preferred an appeal before the first respondent on 27.11.2011 to cancel the patta issued in favour of other persons and to issue patta in his favour to the total extent of 8.3 Acres and also sent reminders on 01.10.2014 and 05.01.2015. Since no response forthcoming from the first respondent, he is before this Court with this petition.

5. Considering the limited prayer of the petitioner in this writ petition, without going into the merits of the petitioner's contentions, there will be a direction to the first respondent to consider the appeal preferred by the petitioner and pass orders on merits and in accordance with law, after issuing notice to the petitioner and all the other persons, who are likely to be affected and affording them an opportunity of personal hearing, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

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To

The Revenue Divisional Officer,
Kallakurichi, Villupuram District.

2 ccs to m/s.P.T. Ramadevi, Advocate, Sr. 12237
1 cc to Government Pleader, Sr. 12167

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