

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.6394/2015

Periyathambi @ Annamalai

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Petitioner

Versus

1.The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

2. K.Kumar

3. Tmt.Rajeswari.

...

Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ or order or direction particularly in the nature of writ of MANDUMUS direct the 1st respondent to consider the petitioner's petition dated 09.12.2014 and to cancel the patta stands in the name of 2nd respondent.

For Petitioner : Mr.K.Gandhi Kumar
For R1 : Mrs.P.Rajalakshmi
Government Advocate

ORDER

Heard Mr.K.Gandhi Kumar, learned counsel for the petitioner and Mrs.P.Rajalakshmi, learned Government Advocate appearing on behalf of the 1st respondent and with their consent, the writ petition is disposed of at the admission stage itself.

2.Since the writ petition is disposed of at the admission stage itself without notice to the respondents 2 and 3, the merits of the allegations made by the petitioner as against the respondents 2 and 3 are not gone into and the same is left open to be considered by the competent authority.

3.The petitioner seeks for issuance of a writ of mandamus to direct the 1st respondent to consider the petitioner's petition dated 09.12.2014 and to cancel the patta stands in the name of 2nd respondent.

4.The petitioner has filed an application for cancellation of patta granted in favour of the respondents 2 and 3 and the said application was considered by the 1st respondent and a notice dated 24.12.2014 was issued, calling upon the petitioner to appear for the enquiry to be held on 12.01.2015. The petitioner appeared for the said enquiry. However, the 1st respondent has not issued notice to the respondents 2 and 3. Therefore, the matter is still pending with the 1st respondent.

5.In the light of the above, there will be a direction to the 1st respondent to issue fresh notice to the petitioner as well as to the respondents 2 and 3, conduct an enquiry, for which the parties concerned shall be heard in person and thereafter pass a reasoned order on merits and in accordance with law as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this order.

6.The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar
Dated:13.3.15

True Copy

Sub Assistant Registrar

To

The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

+1 cc to Government Pleader, SR.13295

+1 cc to Mr.K.Gandhikumar, Advocate, SR.12967.

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