

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2015

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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.8879 of 2015

Vijayalakshmi

...Petitioner

vs.

1. The Sub Collector,
Hosur, Krishnagiri District.

2. The Tahsildar
Hosur Taluk Office
Hosur.

3. Vedappan

...Respondents

Prayer:

Petition filed under section 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to dispose of petitioner appeal petition dated 25.05.2013 for cancellation of patta issued in favour of the third respondent in respect of lands measuring an extent of 10 cents comprised in Survey No.54/3 of Thorapalli Agraharam Village, Hosur Taluk, Krishnagiri District, within the time to be stipulated by this Hon'ble Court.

For Petitioner : Mr.R.Bharath Kumar

For Respondents : Mr.S.Gunasekaran for R1 and R2
Government Advocate

O R D E R

Heard Mr.R.Bharath Kumar, learned counsel appearing for the petitioner and Mr.S.Gunasekaran, learned Government Advocate appearing for the respondents 1 and 2. With the consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

2.Petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the first respondent to dispose of petitioner appeal petition dated 25.05.2013 for cancellation of patta issued in favour of the third respondent in respect of lands measuring an extent of 10 cents comprised in Survey No.54/3 of Thorapalli Agraharam Village, Hosur Taluk, Krishnagiri District, within the time to be stipulated by this Hon'ble Court.

3.Petitioner has sought for cancellation of patta issued in favour of the third respondent in respect of the land in question. In this regard, an appeal petition was presented before the first respondent. The appeal petition was taken on file and the first respondent by notice dated 21.01.2014 directed the petitioner and third respondent to appear for enquiry on 23.01.2014. It appears that thereafter, the matter has not attained finality and the same is still pending before the first respondent.

4.It is not known as to whether there is any legal impediment for the first respondent from proceeding further. However, since already notice of enquiry dated 21.01.2014 was sent to the petitioner and third respondent for the enquiry on 23.01.2014, the first respondent is directed to conduct and conclude the enquiry after hearing the petitioner and the third respondent in person and consider the documents produced by them, if there is no legal impediment from doing so.

5.The above direction shall be complied with, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the petitioner's claim and it is open to the first respondent to consider all the aspects and pass orders in accordance with law.

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

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To

The Sub Collector,
Hosur, Krishnagiri District.

1 CC to Mr.R.Bharath Kumar, Advocate SR.No. 4462

1 CC to the Government Pleader, SR.No. 17606

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MP (CO)
PSI (11.04.2014)



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