



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :02.09.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD).No.15849 of 2015

Mr.M.Shenbagam

... Petitioner

Vs.

1.Revenue Divisional Officer,
Kovilpatti,
Tuticorin District.

2.Mrs.Ettammal
3.Mrs.Mariamammal

...Respondents

This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the first respondent to dispose of the proceedings pending on his file in Na.Ka.No.A6/5356/2011 within stipulated time in accordance with law.

For petitioner
For R-1

: Mr.B.Rajesh Saravanan
: Mr.S.Kumar,
Additional Government Pleader

ORDER

This Writ Petition has been filed praying for a Writ of Mandamus directing the first respondent to dispose of the proceedings pending on his file in Na.Ka.No.A6/5356/2011 within a stipulated time.

2. Mr.S.Kumar, learned Additional Government Pleader takes notice for the first respondent.

3. By consent, the Writ Petition itself is taken up final disposal.

4. The case of the petitioner is that the properties situated at Survey Nos.165/3, 166/5, 317/2, 317/3, 330/1, 330/2, 330/3, 331, 338/1, 331/3A, 339/2, 339/2, 339/3B, 339/3B2, 339/3C5 and S.No.710/26 at Illuppaiyurani Village, Kovilpatti Taluk, Tuticorin District, were originally owned by the parents of the petitioner. They executed a Registered Deed of Will in the year 1995. By the Deed of Will, they had given life interest to the petitioner, his brother Velusamy and the wife of deceased brother Kodursamy. After the demise of the petitioner's parents, the properties are in their possession and enjoyment and the respondents 2 and 3 have not right over the properties. But, suppressing the Deed of Will, the respondents 2 and 3 got joint patta. Hence, the petitioner filed appeal before the first respondent in Na. Ka. No. A6/5356/2011. The said appeal is pending till date, without any progress. Hence, the petitioner has come forward with the Writ Petition for the above stated relief.



5. Considering the submissions made on either side, without going into the merits of the case, this Court directs the first respondent to dispose of the proceedings in Na.Ka.No.A6/5356/2011, on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order, by affording opportunity of hearing to respondents 2 and 3 and also to other necessary parties, if any.

With the above direction, the Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

pm

To
The Revenue Divisional Officer,
Kovilpatti,
Tuticorin District.

+one cc to Mr.B.Rajesh Saravanan, Advocate in SR.No.51249
+one cc to The Special Government Pleader, SR.No. 51291

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CSL/SKS-RR/14.09.2015
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