

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.10584 of 2016

P.Krishnamoorthy

.. Petitioner

Vs.

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

2. The Tahsildar,
Uthangarai Circle,
Krishnagiri District,
Krishnagiri.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the first respondent to consider and dispose of the petitioner's appeal, dated 27.03.2015 on merits and in accordance with law, within a reasonable time frame that may be fixed by this Court.

For Petitioner : Mr.K.S.Karthik Raja

For Respondents : Mrs.P.Rajalakshmi, Govt. Advocate

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the first respondent to consider and dispose of the petitioner's appeal, dated 27.03.2015 on merits and in accordance with law, within a reasonable time frame that may be fixed by this Court.

2. It is stated by the petitioner that he is residing in Door No.38, Kothukara Thottam, C.M.C. College Opposite, Erode-4, for several years on his return from Sri Lanka. In order to support the petitioner and his family, the Government of Tamil Nadu assigned lands to him to an extent of 133 Sq.Mtrs. situated in Survey No.154/42 and 158/14 in Thadiyappanur Village, Uthangarai Circle, Krishnagiri District and under the UDR Scheme, patta No.57 was assigned to him. The petitioner is in

possession of the said property and paying house tax and electricity connection charges.

3. While so, the petitioner temporarily moved to Erode, on account of job. One Subramani fraudulently transferred the patta in his name by virtue of the proceedings of the second respondent in Na.Ka.3546/2008, dated 02.05.2008, pursuant to which, he executed a sale deed in respect of the land in favour of his wife and the patta was transferred in the name of the wife, vide proceedings of the second respondent in Mu.Mu.3083/2011.A3, dated 11.05.2011.

4. It is the grievance of the petitioner that he never sold the said lands to anyone. Hence, the petitioner preferred appeal/representation before the first respondent, dated 27.03.2015, on receipt of which, the first respondent, by communication dated 01.04.2015, directed the second respondent to conduct enquiry and submit a report. Thereafter, the second respondent did not file any report. Since the said appeal/representation is pending, the petitioner has filed this Writ Petition for the above relief.

5. Heard both sides.

6. Taking into consideration the factual aspects of the matter, considering the limited scope of the prayer sought for by the petitioner, this Court, without going into the merits of the case, directs the first respondent to consider the said appeal/representation, dated 27.03.2015 of the petitioner and after conducting enquiry and giving an opportunity of personal hearing to the petitioner and necessary parties, pass appropriate orders and dispose of the said appeal/representation, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner and it is for the first respondent to decide the same.

7. With the above observations and directions, the Writ Petition is disposed of. No costs.

cs

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

Copy to

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

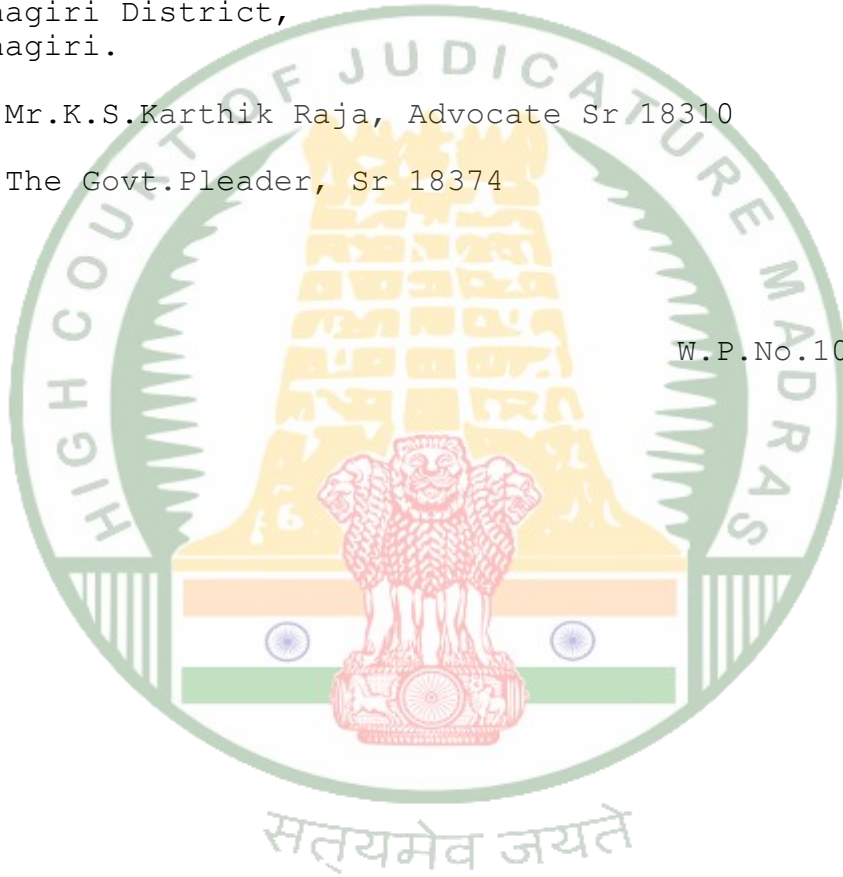
2. The Tahsildar,
Uthangarai Circle,
Krishnagiri District,
Krishnagiri.

+ 1 cc to Mr.K.S.Karthik Raja, Advocate Sr 18310

+ 1 cc to The Govt.Pleader, Sr 18374

KR/1/4/16

W.P.No.10584 of 2016



WEB COPY