

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.1304 of 2011

and

M.P.No.1 of 2011

N.P.Raman

.. Petitioner

vs.

1.The Revenue Divisional Officer,
O/o. The Collector, Cuddalore,
Cuddalore District.

2.The Thasildar,
Virudhachalam,
O/o.the Thasildhar,
Virudhachalam,
Cuddalore District.

3.T.Kalyanasundaram

4.T.Krishnamurthy

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned Patta issued by the 2nd respondent to 3rd and 4th respondents in Patta No.397 in respect of land comprised in S.No.265/3 measuring 77 cents, situated in Sirunesalur Village, Nallur Panchayath, Virudhachalam Taluk, Cuddalore District, in the year 2006, to quash the same and to direct the first respondent to issue patta in the name of the legal heirs of late Periyasamy.

For petitioner : Mr.R.Narendran
For respondents 1 and 2 : Mr.K.J.Sivakumar,
Government Advocate
For respondents 3 & 4 : Mr.K.Sakthivel

ORDER

The petitioner has filed the present Writ Petition praying for the relief as stated above.

2. The grievance of the petitioner is that as the petitioner is residing at Chennai, taking advantage of this, the respondents 3 and 4 obtained joint patta from the second respondent in their name in respect of the remaining land of 77 cents comprised in Survey No.265/3 along with the other lands owned by them in the year 2006. The second respondent has not issued any notice either in the name of their late father Periyasamy or in the name of his legal heirs before transferring the patta in the name of the respondents 3 and 4 as contemplated under the Act. Therefore, the petitioner has filed the present Writ Petition seeking to quash the impugned transfer of patta and for a direction to the first respondent to grant patta in the name of legal heirs of late Periyasamy.

3. The learned Government Advocate appearing for the first and second respondents would submit that the petitioner has preferred an appeal before the first respondent against the impugned order of the second respondent and enquiry notice has been issued to the writ petitioner on 15.12.2010 by directing the petitioner and other parties to appear for the enquiry to be held on 10.1.2011 at 3.00 p.m., before the first respondent. The proceedings are kept pending, as the petitioner has approached this Court pending enquiry by way of filing the present writ Petition. Therefore, the learned Government Advocate submitted that since the petitioner has already preferred an appeal aggrieved against the impugned order of patta issued by the second respondent, the Writ Petition is not maintainable.

4. Since it is admitted by the learned counsel for the petitioner that the appeal preferred by the petitioner against the impugned order of the second respondent is pending, in the interest of justice, I am of the view that a direction can be issued to the first respondent to dispose of the said appeal. Accordingly, the first respondent is directed to dispose of the appeal pending before him in the subject matter, within a period of four months from the date of receipt of a copy of this order after providing an opportunity of hearing and for filing their objections, if any, to the parties concerned, by issuing fresh notice.

5. The Writ Petition is disposed of, with the above direction.

No costs. Connected Miscellaneous Petition is closed.

Index : Yes / no

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Internet: yes /no

asvm

Copy to:

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2.The Thasildar,
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O/o.the Thasildhar,
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D.KRISHNAKUMAR, J

(asvm)

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