

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No. 12064 of 2016

A. Santhi @ Santhakumari

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Revenue Divisional Office,
Tambaram,
Chennai.

2. The Special Tahsildar,
Natham Nilavari Scheme,
Tambaram,
Chennai.

3. Sekar

... Respondents

Writ petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to dispose the petitioner's appeal dated 02.03.2016 within the time limit stipulated by this Court.

For Petitioner : Mr.R.Subburaj

For respondents: Mrs.P.Rajalakshmi,
Government Advocate

For R1 & R2

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2. The petitioner has come forward with the present Writ of Mandamus directing the first respondent to dispose the petitioner's appeal dated 02.03.2016 within the time limit stipulated by this Court.

3. The petitioner's husband, Mr.Anandan has purchased a gramma natham land measuring to an extent of 200 sq.ft situate at Survey No.16/3, New S.No.157/2, No.112, Palavakkam Village,

within the local jurisdiction of the second respondent from one Mrs. Palayi and the said purchase was registered at Sub-Registrar Office, Adyar vide Doc. No. 231/1993. From the date of purchase, petitioner's husband was enjoying the property without any hindrance and he has constructed a shop in the above said premises and leased out the same. During his life time, he was running a cycle repair shop in the ground floor. After his demise, the petitioner leased out the same to the third respondent. The petitioner has been regularly paying the taxes and other charges in respect of the said property. In such circumstances, now only the petitioner came to know that patta has been issued in favour of the third respondent by the second respondent during the year 2012 as if the third respondent is the owner of the property. Thereafter, on 02.03.2016, the petitioner filed an appeal to the first respondent through registered post and the same was received on 03.03.2016. But, till date no action has been taken by the first respondent. Hence, the petitioner has come forward with the present writ petition.

4. Heard the submissions of learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 and 2.

5. Considering the facts and circumstances, without going into the merits of the claim of the petitioners, this Court directs the first respondent to dispose the petitioner's appeal dated 02.03.2016 expeditiously and pass an appropriate order, within a period of twelve weeks from the date of receipt of a copy of this order, after affording opportunity of personal hearing to the petitioner as well as to the third respondent and also necessary parties, if any. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim of the petitioner. It is for the first respondent to decide the issue purely on merits.

6. The writ petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

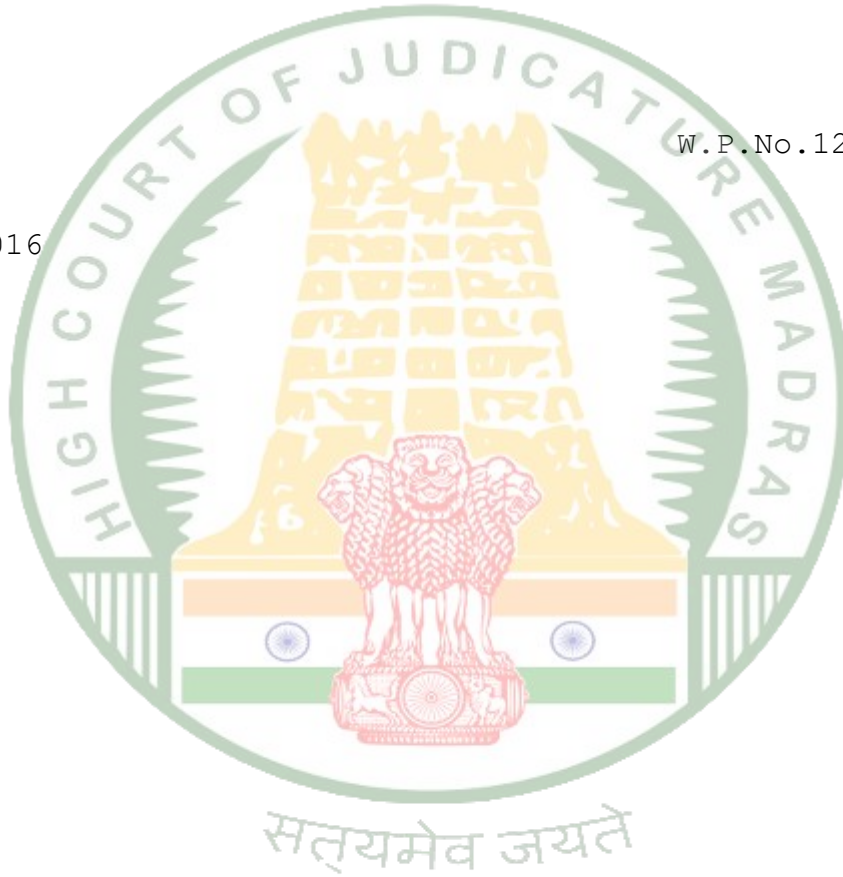
1. The Revenue Divisional Officer,
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Chennai.

2. The Special Tahsildar,
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+1 cc to Government Pleader High Court Madras sr.20486

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