

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.12328 of 2016

D.Jaisankar

... Petitioner

vs.

1.The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

2.The Revenue Divisional Officer,
Tiruvannamalai,
Tiruvannamalai District.

3.The Tahsildar,
Tiruvannamalai Taluk,
Tiruvannamalai District.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents 1 and 2 to pass order on the petitioner's appeal petition dated 18.5.2015 within the time framed manner.

For Petitioner : Mr.M.S.Palaniswamy

For Respondents : Mr.S.Pattabiraman,
Govt. Advocate

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents 1 and 2 to pass order on his appeal petition dated 18.5.2015 within the time framed manner.

3. It is the case of the petitioner that the land measuring to an extent of 1.21.5 hectares in S.No.28/1 to 3 situated at Allikondapattu Village, Tiruvannamalai Taluk and District, originally belonged to his grandfather Ramasamy Reddiar. His grandfather died leaving behind his wife Muthalammal and three daughters viz., Panchaliammal, Athiammal and Salamma. The said Panchaliammal also died in the year 1984. Thereafter, her legal heirs filed a suit in O.S.No.23 of 1998 and a preliminary decree was passed in the said suit on 17.12.1999 and a final decree was also passed. In the final decree proceedings, shares have been allotted to each sharers. After that, the said Athiammal executed a settlement deed dated 17.4.2009 in favour of one S.Prabu contrary to the allotment of share in the judgment and decree dated 23.12.2005 in O.S.No.23 of 1998. As per the decree, the said Athiammal was allotted nanja land in S.No.28/2 measuring to an extent of 0.46.5 cent, punja land in S.No.28/3 measuring to an extent of 0.25.5 cent and Well to an extent of 2.5 cents. But, in the settlement deed, she has wrongly mentioned that nanja 25 cents, punja 50 cents and Well 0.2.5 cents, totally 0.77.5 cents. Pursuant to the said settlement deed, the third respondent without notice to the petitioner, has wrongly included the settlor's name as joint patta holder in patta No.128.rtr No.445/2009 dated 29.6.2009. Hence, the petitioner filed an appeal petition dated 18.5.2015 before the first respondent requesting him to rectify the said mistake, who in turn, forwarded the same to the second respondent to take necessary action. The second respondent vide proceedings dated 22.6.2015, directed the third respondent to take special care to enquire into the matter and submit a report within a week. Since, no action was taken on the said appeal petition, again, the petitioner filed a petition dated 29.6.2015 requesting the respondents to delete the name of S.Prabu as joint patta holder. After enquiry, the second respondent informed that the order would be communicated to the petitioner shortly, but, till date no order has been passed by the second respondent. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim made by the petitioner, this Court directs the second respondent to pass orders on the appeal petition of the petitioner dated 18.5.2015, on merits and

in accordance with law, within a period of three weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sbi

To

1.The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

2.The Revenue Divisional Officer,
Tiruvannamalai,
Tiruvannamalai District.

3.The Tahsildar,
Tiruvannamalai Taluk,
Tiruvannamalai District.

+1 cc to Mr.M.S.Palanisamy Advocate sr.20655

+1 cc to Government Pleader sr.20919

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