

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.13110 of 2016

S.K.Senthilvel

... Petitioner

Vs.

1 The Tenancy Record Officer and Tahsildar
Coimbatore North
Coimbatore

2 A.Shanmugam

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the 1st respondent to dispose of the TR No.1 of 2012 pending before the first respondent on merits, within a reasonable time.

For Petitioner : Mr.N.Anand Venkatesh

For Respondents : Mr.M.Dig Vijay Pandian
Additional Government Pleader

O R D E R

The prayer in the writ petition is to issue a Writ of Mandamus, directing the first respondent to dispose of the TR No.1 of 2012, pending on his file, on merits, within a reasonable time.

(2.1) The case of the petitioner is that he is the owner of the agricultural lands, comprised in S.F.No.206/1, 693/1, 693/2, 693/3, 722/1, 722/2, 722/3, 722/4 and 723 at Nanjudapuram Village, Coimbatore North Taluk, Coimbatore, measuring total extent of 13.77 acres.

(2.2) The second respondent has filed an application against the owners of the lands under section 4(2) and 5(2) of the Tamil Nadu Agricultural Land Record of Tenancy Right Act,1969 on 30.7.2012 to register his name as a tenant, after the demise of

his grandfather Arumuga Konar. The said application was taken on file as T.R.No.1 of 2012. The first respondent allowed the said petition vide order dated 2.7.2013, without giving any opportunity to the land owners. Hence the petitioner along with other owners earlier filed a writ petition in W.P.No.29341 of 2013 before this Hon'ble Court and this Court allowed the writ petition by order dated 25.4.2014, by setting aside the order passed by the first respondent and remanded the matter for fresh consideration. Aggrieved over the same, the second respondent preferred an appeal in Writ Appeal No.663 of 2014 and the Division Bench allowed the appeal by order dated 12.6.2014, confirming the order of the single judge made in writ petition No.29341 of 2013 and further directing the first respondent to dispose of T.R.No.1 of 2012, within a period of eight weeks. Even after 9 months have lapsed, till date, no order has been passed. Hence, the petitioner is constrained to file this writ petition.

3. Heard the learned counsel for the petitioner and Mr.M.Dig Vijay Pandian, learned Additional Government Pleader appearing on behalf of the respondents.

4. Considering the facts and circumstances of the case and without going into the merits of the case, this Court directs the first respondent to complete the enquiry in respect of T.R.No.1 of 2012 and pass orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

ajr

s/d-
Assistant Registrar (CS-VII)

True Copy

Sub-Assistant Registrar

सत्यमेव जयते

To

The Tenancy Record Officer and Tahsildar
Coimbatore North
Coimbatore

+ 1 cc to Mr.N.Anand Venkatesh, Advocate, SR 22387

+ 1 cc to Govt.Pleader, High Court, Madras SR 22528

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prk27/4

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