

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.14247 of 2016

Syed Akbar

... Petitioner

vs.

1.The Revenue Divisional Officer,
Kancheepuram.

2.The Tahsildar,
Sriperumbudur Taluk,
Kancheepuram District.

... Respondents

Writ Petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the 1st respondent to take up the appeal petition, dated 07.09.2014, and dispose of the same, within a time stipulated by this Court.

For Petitioner : Mr.S.Kumaresan

For Respondents : Mr.V.Jayaprakash Narayanan,
Special Government Pleader

ORDER

The petitioner has come up with the present Writ Petition for a Mandamus, directing the 1st respondent to take up the appeal petition, dated 07.09.2014, and dispose of the same, within a stipulated period of time.

2. It is the case of the petitioner that he has got an ancestral property in Santhavellore Village, Sriperumbudur Taluk. The petitioner and his brothers have filed a suit for partition in respect of the ancestral property before the District Judge No.II, Kancheepuram. During the pendency of the partition suit, out of the total extent of property of 14 acres, 5 acres 31 cents comprised in Survey No.211/4 situated at Santhavellore Village, was released in favour of the petitioner by all the brothers and sisters. The petitioner's elder brother, by name, Syed Kaleel Hussain, died. Now, his legal heir had filed a suit in O.S.No.48 of 2013, without any right, where original successor has relinquished his right for limited extent of property in release deed bearing Doc.No.226 of 2012.

Hence, the petitioner has filed an application to transfer the patta in his name. But, the same was rejected by the 2nd respondent by showing pendency of suit by the proceedings in Na.Ka.No.3564/2013/A1, dated 06.08.2014. Hence, aggrieved against the same, the petitioner has preferred an appeal before the 1st respondent on 07.09.2014. Though, the said appeal was filed in the year 2014, for the past two years no action was taken and hence, the present Writ Petition has been filed.

3. When the matter is taken up for consideration, Mr.S.Kumaresan, the learned counsel for the petitioner, made his submissions reiterating the averments made in the affidavit.

4. Mr.V.Jayaprakash Narayanan, the learned Special Government Pleader, vehemently opposed the grant of the prayer sought for by the petitioner.

5. Irrespective of the submissions made on either side, without going into the merits of the claim made by the petitioner, this Court directs the 1st respondent/The Revenue Divisional Officer, Kancheepuram, to consider the appeal of the petitioner, dated 07.09.2014, by affording an opportunity of personal hearing to the petitioner, as well as, necessary parties, and pass appropriate orders, on merits and in accordance with law, within a period of three months (12 weeks) from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner. It is for the 1st respondent to consider the appeal of the petitioner purely on merits.

6. The Writ Petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Revenue Divisional Officer,
Kancheepuram.

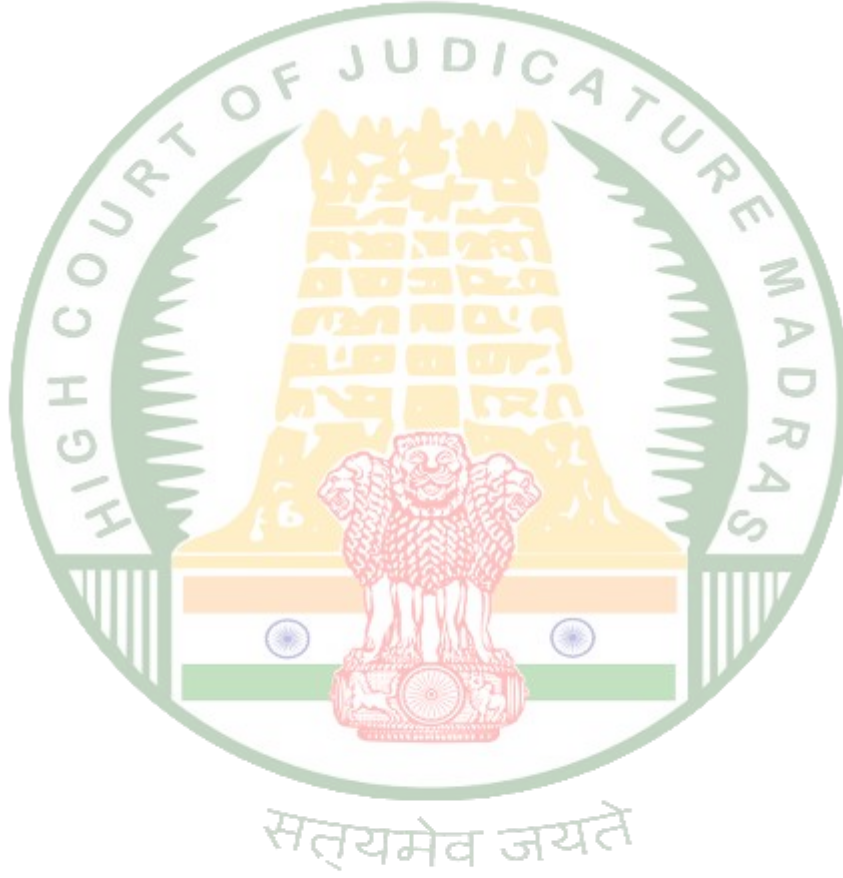
2.The Tahsildar,
Sriperumbudur Taluk,
Kancheepuram District.

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+1 cc to Government Pleader sr.24210
+1 cc to Mr.S.Kumaresan Advocate sr.23994

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