

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.15897 of 2016

M/s.RR Trading Pvt. Ltd.,
rep. by its Field Manager
D.Hrudaya Dhas

... Petitioner

vs.

1.The Revenue Divisional Officer,
Office of the Revenue Divisional
Office,
Tambaram,
Kancheepuram District.

2.Mathi Leathers Pvt. Ltd.,
rep. by its Director Vadivelu

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to dispose of the appeal vide his proceedings in O.Mu.529/2014 pending on the file of the respondent seeking to cancel the patta issued in favour of the second respondent by the Tahsildar of the Tambaram Taluk bearing survey Nos.246/12B, 247/1A, 247/1E, 247/1F2 and 247/1I measuring to an extent of 0.73 cents situated at No.180, Agaramthen Village, Tambaram Taluk, Kancheepuram District, which was illegally made without scrutinizing appropriate documents concerned.

For Petitioner : M/s.V.Pavel

For Respondents : Mr.P.Sanjay Gandhi,
Addl. Govt. Pleader,
for R.1

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the first respondent to dispose of the appeal vide his proceedings in O.Mu.529/2014 pending on his file seeking to cancel the patta issued in favour of the second respondent by the Tahsildar of the Tambaram Taluk bearing survey Nos.246/12B, 247/1A, 247/1E, 247/1F2 and 247/1I measuring to an extent of 0.73 cents situated at No.180, Agaramthen Village, Tambaram Taluk, Kancheepuram District, which was illegally made without scrutinizing appropriate documents concerned.

2. Though very many contentions have been raised on the factual aspects of this case, at the time of making submission, learned counsel appearing for the petitioner submitted that the appeal vide proceedings in O.Mu.529/2014 dated 13.2.2014 seeking to cancel the patta in favour of the third respondent in respect of the property in Survey Nos.246/12B, 247/1A, 247/1E, 247/1F2 and 247/1I measuring to an extent of 0.73 cents situated at No.180, Agaramthen Village, Tambaram Taluk, Kancheepuram District, is pending with the first respondent for a long time and it would be suffice, if a direction is given to the first respondent to dispose of the said appeal within a specific time.

3. In view of the said submission made by the learned counsel appearing for the petitioner, I am of the opinion that there is no need to traverse the entire averments made in the affidavit filed in support of the writ petition.

4. I have also heard the learned Additional Government Pleader, who has taken notice on behalf of the first respondent.

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 projected by the petitioner, this Court directs the first respondent to dispose of the appeal vide proceedings in O.Mu.529/2014 dated 13.2.2014 seeking to cancel the patta in favour of the third respondent in respect of the property in Survey Nos.246/12B, 247/1A, 247/1E, 247/1F2 and 247/1I measuring to an extent of 0.73 cents situated at No.180, Agaramthen Village, Tambaram Taluk, Kancheepuram District, on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioner as well as to the second respondent and other necessary parties, if any, within a period of 12 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

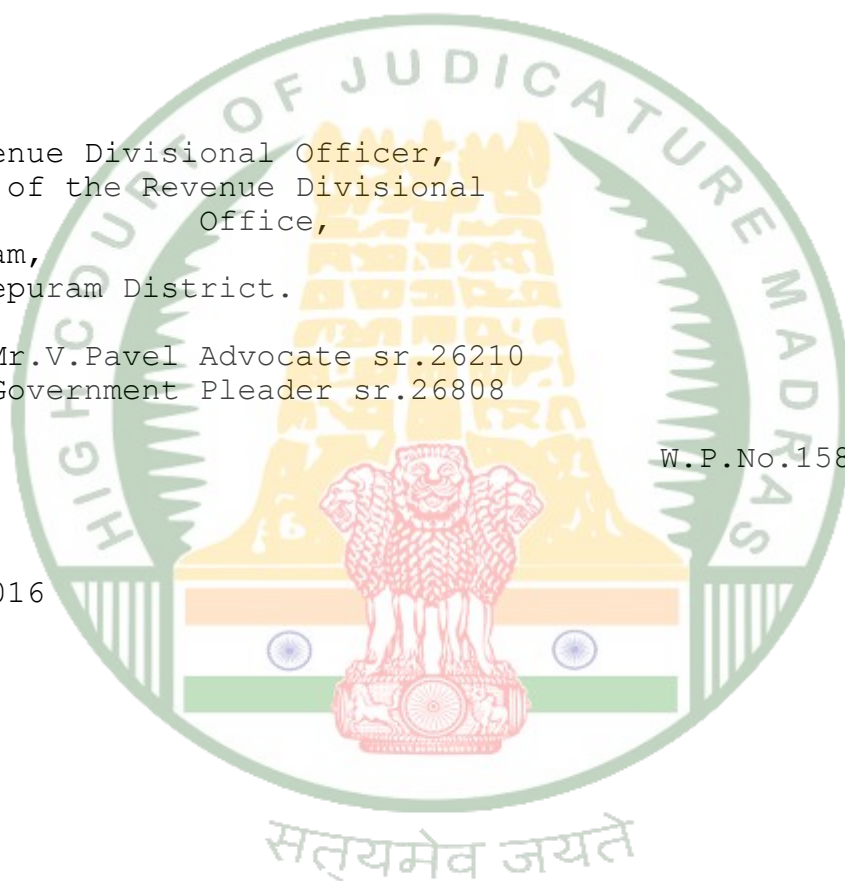
To

1.The Revenue Divisional Officer,
Office of the Revenue Divisional
Office,
Tambaram,
Kancheepuram District.

+1 cc to Mr.V.Pavel Advocate sr.26210
+1 cc to Government Pleader sr.26808

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