

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN
W.P.No.2260 of 2016

Balasubramanian,
S/o. Late P. Solaiyappa Gounder,
No.3/60, Kalampalayam,
Seeliyur Post,
Coimbatore

... Petitioner

Vs

1. The Revenue Divisional Officer,
Coimbatore.
2. The Tahsildhar,
Mettupalayam,
Coimbatore District.

... Respondents

Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Mandamus directing the 1st respondent to pass appropriate orders on the appeal pending before him in A.S.No.6317 of 2012 filed by the petitioner herein seeking for grant of patta in respect of the residential property having Door No.3/60, comprised in Survey No.109/2, Kalampalayam Village, Mettupalayam Taluk, Coimbatore District comprised within a reasonable time as may be stipulated by this Court.

For Petitioner : Mr.N. Anand Venkatesh

For Respondent : Mr.V. Subbiah,
Special Govt. Pleader

O R D E R

The present Writ Petition has been filed praying for issuance of a mandamus upon the 1st respondent to pass appropriate orders on the appeal pending before him in A.S.No.6317 of 2012 filed by the petitioner herein seeking for grant of patta in respect of his residential property having Door No.3/60, comprised in Survey No.109/2, Kalampalayam Village, Mettupalayam Taluk, Coimbatore District within a reasonable time as may be stipulated by this Court.

2. The petitioner is the owner of the property measuring 7.78 acres comprised in S/F No.109, Kalampalayam, Mettupalayam

Taluk, Coimbatore District and he purchased the above said property through a court auction in E.P.No.27 of 1999 in O.S.No.867 of 1970 on the file of District Munsif Court, Mettupalayam by a sale certificate dated 28.06.2002. After purchasing the property, the petitioner herein approached the 2nd respondent for transfer of patta in the petitioner's name and since he has not transferred patta, the petitioner filed O.S.No.297 of 2008 before the District Munsif Court, Mettupalayam for a direction to the 2nd respondent herein to effect mutation of his name in revenue records in respect of the above property and the suit was decreed on 22.6.2010 after contest.

3. In the meantime, the entire extent comprised in Survey No.109 was sub divided into 109/1, 109/2, 109/3. Thereafter though the 2nd respondent has transferred patta in the name of petitioner in respect of Survey Nos 109/1 and 109/3, the patta in respect of land comprised in S.No.109/2 has not been granted in his favour since the same has been classified as poramboke land in revenue records. Therefore the petitioner filed appeal in A.S.No.6317 of 2012 before the 1st respondent for issuance of patta in favour of petitioner in respect of S.No.109/2 after reclassification. The 1st respondent, in the appeal proceedings, after conducting a detailed enquiry, obtained necessary report from the VAO, Kalampalayam as well as from the 2nd respondent and posted the appeal on 14.11.2012 for passing of appropriate orders. But the same is kept pending without passing any orders. Since the said appeal has been kept pending for a long time without passing any orders, the petitioner gave various representations to the 1st respondent requesting him to pass appropriate orders on the appeal A.S.No.6317 of 2012, but till date, no order has been passed. Therefore the petitioner is before this court with this writ petition.

4. Heard Mr. N. Anand Venkatesh learned counsel appearing for the petitioner and Mr.V.Subbiah, learned Special Government Pleader who took notice for the respondents.

5. Learned counsel for the petitioner submitted that it would suffice if the appeal filed by the petitioner in A.S.No.6317 of 2012 which is pending on the file of the 1st respondent is disposed of at an early date.

6. Learned Special Govt. Pleader, on the other hand, submitted that the appeal would be disposed of within the time frame that may be fixed by this Court.

7. In the light of the above submissions, this court, without going into the merits of the case, directs the 1st respondent to take up the appeal A.S.No.6317 of 2012, which is pending on his file and dispose of the same on merits and in

accordance with law after affording due opportunity to the petitioner within a period of six weeks from the date of receipt of a copy of this order.

8.The Writ Petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

msr

To

1.The Revenue Divisional Officer,
Coimbatore.

2. The Tahsildhar,
Mettupalayam,
Coimbatore District.

1 cc to Mr.N. Anand Venkateh, Advocate, Sr. 3727

1 cc to Government Pleader, Sr. 4172

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