

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.26201/2016 & WMP.No.22467/2016

A.Shanmugam

.. Petitioner

Versus

1.The Revisional Authority/District
Revenue Officer, Coimbatore District
Collectorate, Coimbatore.

2.The Tenancy Record Officer and
Tahsildar, Coimbatore North
Balasundaram Street, Coimbatore.

3.S.R.Manickam

4.S.K.Senthilvel

5.Kamalathal

6.Marudhappan @ Prakash

7.Saraswathi

8.Sakunthala

9.Nalini

10.S.K.Anandhamoorthi

11.R.Srinivasan

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the 1st respondent to dispose Tr.OP.No.5759/2016 and stay petition on merits and in accordance with law within a stipulated time.

For Petitioner : Mr.A.Muthukumar

For RR 1 & 2 : Mr.R.A.S.Senthilvel, AGP

ORDER

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

2 The petitioner claims to be a cultivating tenant and moved the Tenancy Record Officer and Tahsildar, Coimbatore North, the 2nd respondent herein, by filing T.R.No.1/2012 and expressing bias, filed a transfer petition in Tr.OP.No.5759/2016 before the 1st respondent praying for transfer of TR.No.1/2012 pending on the file of the 2nd respondent herein, to the file of Tenancy Record Officer, Coimbatore South or any other Tenancy Record Officer in Coimbatore District and pending disposal of the same, the petitioner filed a miscellaneous petition for stay on 28.03.2016 and since no orders have been passed in the stay petition, the petitioner came forward to file the present writ petition.

3 The learned counsel for the petitioner has drawn the attention of this Court to paragraph No.6 of the affidavit filed in support of the miscellaneous petition in MP.No.----/2016 in Tr.OP.No.5759/2016 and in the light of the said averment, the petitioner is having a genuine apprehension that he may not get justice at the hands of the Tenancy Record Officer and Tahsildar, Coimbatore North and prays for appropriate orders.

4 This Court heard the submissions of Mr.R.A.S.Senthilvel, learned Additional Government Pleader who accepts notice on behalf of the respondents 1 and 2.

5 This Court, taking into consideration, the limited scope of prayer sought for by the petitioner and without going into the merits of the claim projected by the petitioner, directs the 1st respondent to take on record, the miscellaneous petition for stay in TR.OP.No.5759/2016 and give a disposal in accordance with law, after putting on notice, the private respondents, viz., respondents 3 to 11 and pass orders within a period of three weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the private respondents. It is also open to the 1st respondent to take up the revision itself and give a disposal in accordance with law, as expeditiously as possible. Till such time the 1st respondent passes orders in the application for stay, further proceedings in TR.No.1/2012 pending on the file of the Tenancy Record Officer and Tahsildar, Coimbatore North, shall be kept in abeyance.

6 The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

AP

To

1.The Revisional Authority/District
Revenue Officer, Coimbatore District
Collectorate, Coimbatore.

2.The Tenancy Record Officer and
Tahsildar, Coimbatore North
Balasundaram Street, Coimbatore.

+1cc to M/S.Muthukumar, Advocate Sr.42485

+1cc to Mr.N.Anand Venkatesh, Advocate Sr.42723

+1cc to the Government Pleader Sr.42751

W.P.No.26201/2016

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