

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.3706 of 2016

K.Vijayamurthy

.. Petitioner

Vs.

The District Collector
District Collector Office
Puducherry

2.The Sub Registrar
Villyaunur Village
Puducherry.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the first respondent to dispose of the appeal dated 18.01.2016 preferred by the petitioner which is pending on the file of the first respondent vide proceedings No.677 within a time frame.

For Petitioner : M/s.S.Rajinikanth

For respondents : Mr.R.Sreedhar, GA (Pondy)

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2.The petitioner has come up with the present writ petition for issuance of writ of mandamus directing the first respondent to dispose of the appeal dated 18.01.2016 preferred by the petitioner which is pending on the file of the first respondent vide proceedings No.677.

3.The petitioner submits that his ancestor has acquired property in RS.No.196/5 in Cad No.139 to an extent about 43.00.60 Hectre in Ariyur Revenue Village on the death of his great-grand father, the property devolve into possession of the grand father namely Murugesan s/o.Santhiayn, after the demise of grand father, his daughter Veerammal @ Kalyani mother of the petitioner became the sole legal heir of the said Murugesan. The

petitioner's mother died on 23.01.2011. Thereafter, the petitioner's father namely Caliyaperumale @ Kaliyamoorthy, brother-Veeramoorthy, sister-Kalaiselvi become legal heirs of the property cited supra. The other legal heirs gave authorisation in favour of the petitioner for protecting our rights over the property.

4. While so, one Arul s/o. Velayutham muted the revenue records in respect to an extent of 00.42.50 HAC in survey number 196/5 in cad No.139 and got patta No.622 in his favour by creating forged documents. In this regard, the petitioner made representation dated 28.01.2013 since the representation was not considered, the petitioner filed writ petition in WP.No.3355 of 2013 in pursuant to the direction of this Court order dated 21.10.2013 this Court directed to appoint a specified officer to decide the issue. The specified officer cancelled the patta stood in the name of Arul and restored the name of the petitioner's grand father Murugesan in the Patta No.622.

5. The petitioner verified the computerised patta (Patta No.731) from the concerned authority, the patta revealed that the petitioner's grand father is a registered patta holder and new patta has been issued in patta No.731. Again the petitioner submitted his representation dated 11.08.2015 to the District Registrar, since, no action has been taken on the side of the District Registrar. The petitioner filed another writ petition in WP.No.27086 of 2015 sought for positive direction to cancel the forgery entries in the revenue records, this court allowed the writ petition on 31.08.2015 directing the authority to take decision on the application within eight weeks. In pursuant to the order of this Court in WP.No.27086 of 2015, the District Registrar delegated his power to Sub Registrar and appointed him as enquiry officer to decide the application dated 11.08.2015. After enquiry, the Sub Registrar passed an order dated 23.11.2015 rejecting the claim of the petitioner. As against the order of Sub Registrar, the petitioner filed appeal dated 18.01.2016 before the first respondent vide proceedings No.677. Since no order has been passed, the petitioner filed the present writ petition.

6. The learned Government Advocate (pondy) appearing for the respondents submitted that the appeal was filed only on 18.01.2016, i.e., 15 days from today and hence sufficient time may be granted to dispose of the appeal filed by the petitioner.

7. Heard the submissions of learned counsel appearing for the petitioner and the learned Government Advocate (pondy) who accepts notice on behalf of the respondents.

8.This Court, taking into consideration the limited scope of the prayer sought for by the petitioner and without going into the merits of the same, directs the first respondent to consider and dispose of the appeal on merits and in accordance with law, within a period of eight weeks, after affording opportunity of personal hearing to the petitioner as well as to the necessary parties, if any.

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

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

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To

1. The District Collector
District Collector Office
Puducherry

2.The Sub Registrar
Villyaunur Village
Puducherry.

1 cc to government Pleader, Sr. 7007

1 cc to Mr.S. Rajinikanth, Advocate, Sr. 6809

सत्यमेव जयते

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