

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.4028 of 2016

S.Selvarasu

.. Petitioner

Vs.

The Revenue Divisional Officer,
Attur,
Salem District.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondent to dispose the petitioner's Appeal dated 18.06.2015 and the reminder dated 01.09.2015.

For Petitioner : Mr.K.A.Prabaharan

For respondent : Mr.P.Karthikeyan

Government Advocate.

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 respondent to dispose of the petitioner's Appeal dated 18.06.2015 and the reminder dated 01.09.2015.

3. It is the case of the petitioner that the lands situated in S.No.108/8 to the extent of 0.150.5 sq.mtr, Kamakkapalayam Village, Attur Taluk, Salem District is classified as Grama Natham in the revenue records. The said land was in possession of petitioner's grand father for the past 40 years continuously. During the year 1991, the Special Tahsildar conducted a spot enquiry and issued patta in favour of the petitioner's father. In the year 2004, petitioner's father registered a settlement deed in favour of petitioner's mother. Thereafter, petitioner's father and mother executed a Will in the year 2010 in favour of Petitioner's sister, namely, Selvi. The petitioner made a representation to the Tahsildar, Attur on 29.07.2013 requesting to issue joint patta. Since the Tahsildar, Attur failed to pass any order on the application, the petitioner filed a Writ

Petition before this Court in W.P.No.31183 of 2013 and the same was ordered directing Tahsildar, Attur to conduct enquiry and issue patta to the petitioner. In pursuant to the same, Tahsildar, Attur rejected the petitioner's application without conducting any enquiry. Challenging the same the petitioner has preferred an appeal and as the appeal is not disposed of, the petitioner has come forward with this petition.

4. Heard the submissions of the learned counsel for the petitioner and the learned Government Advocate.

5. Considering the submissions on either side, this Court directs the respondent to expedite the hearing in Appeal dated 18.06.2015 and pass appropriate orders by affording opportunity of personal hearing to the petitioner within a period of six weeks from the date of receipt of a copy of the 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.

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

s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

The Revenue Divisional Officer,
Attur,
Salem District.

+1 cc to M/s.S.Doraisamy, Advocate SR 6835

+ 1 cc to Govt.Pleader SR 7237

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prk8/2

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