

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2016

CORAM:

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.40533 of 2016

Arumugam

... Petitioner

Versus

1. The District Revenue Officer,
Tiruppur.

2. The Revenue Divisional Officer,
Tiruppur.

3. K.Nachimuthu Gounder

... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of mandamus, to direct the first respondent to dispose of the Revision Petition No.4046 of 2014 pending on the file of the first respondent within a stipulated time to be fixed by this Court.

For Petitioner : Mr.N.Ponraj

For R1 and R2 : Mr.R.S.Selvam
Government Advocate

ORDER

By consent of both parties, the present writ petition is taken up for final disposal at the admission stage itself.

2. The case of the petitioner is that the petitioner purchased the property in S.F.No. 28/2 measuring an extent of 4.19 acres situated at Palladam Taluk, Karadivavi Village from one Manoharan and Duraisamy, who purchased the same from one Vijayalakshmi and Kumaraswamy, who are the legal heirs of the sister of the third respondent. Originally, the sister of the third respondent Karuppathal filed a suit for partition against the third respondent in O.S.No.527 of 1995 before the Sub Court, Tiruppur. In the said suit, preliminary decree was passed on 11.03.1997 and thereafter, on 16.09.1998, final decree was passed in I.A.No.1265 of 1997 in O.S.No.527 of 1995. As per the decree, an extent of 4.19 acres in S.F.No.28/2 was allotted to the 3rd respondent's sister. Subsequently, the third

respondent's sister died and her legal heirs namely Vijayalakshmi and Kumaraswamy sold the property to one Manoharan and Duraisamy, from whom, the petitioner purchased the same through their Power Agent, by name Ponneswari. The petitioner is now in possession and enjoyment of the property. Aggrieved against the decree of the suit in O.S.No.527 of 1995, the 3rd respondent's daughter and son filed various suits, which are pending and in O.S.No.232 of 2008 filed by them, the learned First Additional District Judge, Coimbatore, has clearly ordered that there cannot be an injunction for the extent of 4.19 acres, against which, the 3rd respondent's son preferred an appeal before this Court, which was also dismissed. Thereafter, the said suit was transferred to the District Judge, Tirupur due to bifurcation.

3. The petitioner filed a suit in O.S.No.293 of 2007 for permanent injunction and also obtained an order of injunction. The said suit was also transferred and renumbered as O.S.No.23 of 2008 before the Sub-Court, Coimbatore. Thereafter, on getting legal opinion from GP, the sub-division was done in S.F.No.28 and the revenue entries were changed in the name of the petitioner. While so, the 3rd respondent filed a petition before the second respondent seeking to remove the name of the petitioner in the patta in respect of the property situated in S.F.No.28/2 and also seeking to cancel the order of sub division. The said petition was allowed on 24.02.2014. Aggrieved against the same, the petitioner filed a revision in Revision No.4046 of 2014 before the first respondent. After receiving the summons on the revision, the 3rd respondent had entered appearance and filed written statement during December 2014 and arguments made on either side were heard. But, the said revision was not disposed of till date. Hence, the present writ petition has been filed seeking a direction to the first respondent to dispose of the revision petition within a stipulated time.

4. Mr.A.S.Selvam, learned Government Advocate takes notice on behalf of the respondents and submits that the revision petition pending on the file of the first respondent may be directed to be disposed of within a stipulated time.

5. Considering the limited prayer sought for in the writ petition, the first respondent is directed to dispose of the Revision Petition No.4046 of 2014, on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order.

6.With the above direction, the present Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

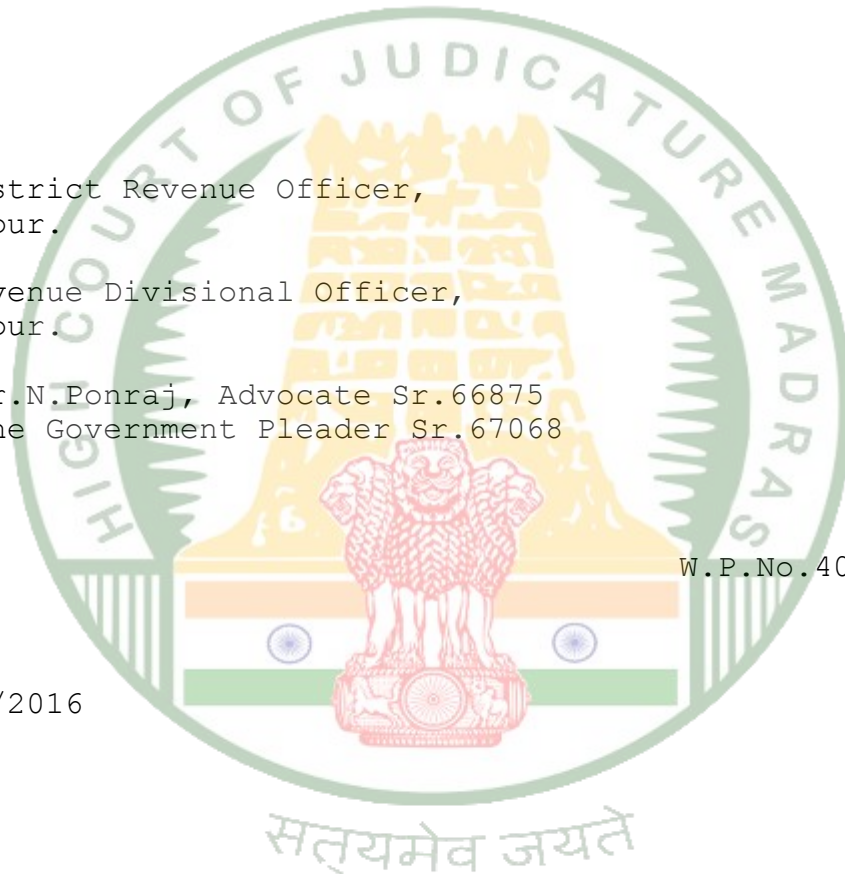
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To

1. The District Revenue Officer,
Tiruppur.
2. The Revenue Divisional Officer,
Tiruppur.

+lcc to Mr.N.Ponraj, Advocate Sr.66875
+lcc to the Government Pleader Sr.67068

W.P.No.40533 of 2016

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srg 23/12/2016



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