

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P.No.43526 of 2016

Raja Gramani [Petitioner]
S/o.Sagaya Gramani
Rep by Power of Attorney
K.Palani

Vs

- 1 The District Revenue Officer
Thiruvannamalai District
- 2 The Sub Collector
Cheyyar Thiruvannamalai District
- 3 The Tahsildar
Cheyyar Taluk Thiruvannamalai District
- 4 The Revenue Divisional Officer
Cheyyar Division Thiruvannamalai District
- 5 Gopal
- 6 Karunakaran
- 7 Saroja
- 8 Kannammal [Respondents]

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 1st respondent to pass orders on the appeal preferred by the petitioner dt 23.9.2015 against the orders passed by the Sub Collector Cheyyar in his Na. Ka. No.A2/ 4719/15 dt 3.9.2015 within a stipulated time.

For Petitioner : Mr.M.Muthappan

For Respondents: Mr.P.V.Selvakumar, AGP (R1-4)

ORDER

Heard the learned counsel for the petitioner and Mr.P.V.Selvakumar, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 4 and with the consent on either side, the writ petition is taken up for final disposal.

2. It is the case of the petitioner that his wife, executed a settlement deed dated 24.07.1974 in his favour to the extent of 1.47 acres, pursuant to the settlement deed dated 07.05.1973 executed by Venkatesa Girimani, father of the petitioner's wife, in favour of his wife to the extent of 2.95 acres. Thereafter, the property was enjoyed by him absolutely free from all encumbrances. But, unfortunately, patta includes the name of third parties, who have vested interest and who wanted to take the rights of the property of the petitioner. On 26.11.2007, the petitioner made a detailed representation mentioning all the details and requested to rectify the errors found in the revenue records. The Tahsildar, after making an enquiry, forwarded a proposal to the 2nd respondent on 27.04.2012 to make necessary corrections. As there was no response, the petitioner filed W.P.No.8295 of 2015, in and by which, a direction was issued by this Court to take note of the said proposal, and pass orders after affording an opportunity to the parties concerned. The petitioner submitted a representation to comply with the directions, for which there is no response. On 03.09.2015, the Sub Collector, in his proceedings, issued an order, rejecting the claim of the petitioner. Aggrieved over the same, the petitioner preferred an appeal before the 1st respondent on 23.09.2015. Since, the same has not been disposed of, the petitioner is before this Court.

3 In view of the limited prayer sought for by the petitioner, without going into the merits of the claim projected by the petitioner, this Court directs the 1st respondent to consider and dispose of the petitioner's appeal dated 23.09.2015, on merits and in accordance with law, after affording opportunity to all the parties concerned, within a period of six months from the date of receipt of a copy of this order.

4 The writ petition stands disposed of with the above direction. No costs.

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Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

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To

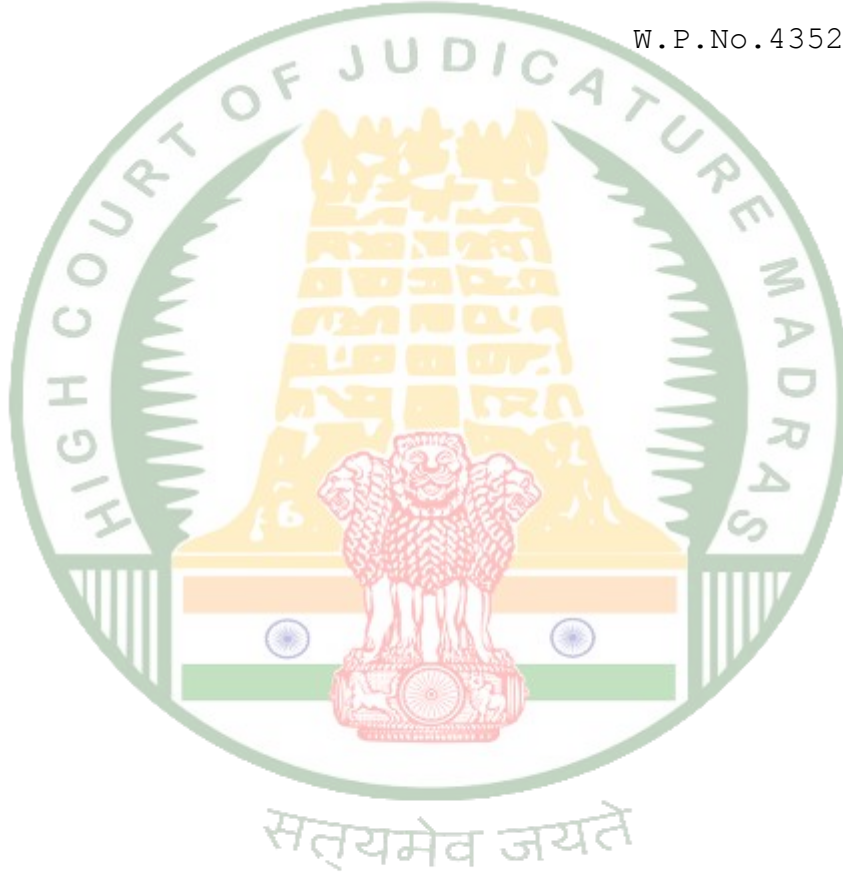
1 The District Revenue Officer

<https://hcservices.ecourts.gov.in/hcservices> Tamil Nadu District

- 2 The Sub Collector
Cheyyar Thiruvannamalai District
- 3 The Tahsildar
Cheyyar Taluk Thiruvannamalai District
- 4 The Revenue Divisional Officer
Cheyyar Division Thiruvannamalai District
- 1 cc to Government Pleader, Sr. 74088
1 cc to Mr.M. Muthappan, Advocate, Sr. 73921

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