

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.4914 of 2016

Chinnaraj

... Petitioner

Vs.

1.The Revenue Divisional Officer
Krishnagiri.

2.The Tahsildar
Krishnagiri.

3.N.Beeman

4.Muniammal

5.S.Ashokji.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus to direct the 1st respondent namely the Revenue Divisional Officer of Krishnagiri to consider the representation dated 25.07.2015 and decide the appeal dated 16.06.2015 filed by the petitioner within a time to be stipulated by this Court.

For Petitioner : M/s.M.Abishek
for V.Nicholas

For respondents : Mr.P.Rajalakshmi,
Government Advocate for R1 and R2

WEB COPY
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 to direct the 1st respondent namely the Revenue Divisional Officer of Krishnagiri to consider the representation dated 25.07.2015 and decide the appeal dated 16.06.2015 filed by the petitioner.

3.The petitioner submits that an extent of 88 cents (0.35.5 hectares) of land in S.No.280/5, Pedhathalapalli Village, Krishnagiri Taluk and other properties belong to one Kuppathan @ Munusamy. After his death, there was oral partition between the petitioner and his brother i.e, Govindan, Duraisamy, Kanavaipatti Krishnan and his sister/Govindammal. In S.No.280/5, out of 88 cents, an extent of 29 cents on the western side was allotted to Krishnan and an extent of 29 cents on the eastern side was allotted to Govindan and the remaining 30 cents on the eastern side was allotted to the petitioner herein. The other properties were allotted to Duraisamy and Govindammal.

4.It is further submitted that third respondent viz., Beeman purchased an extent of 15 cents out of 29 cents in S.No.280/5 from Krishnan, the 5th respondent/Ashokji purchased the remaining extent of 14 cents from the Krishnan. The fourth respondent/Muniammal purchased an extent of 29 cents from the legal representatives of Govindan. The petitioner is in possession and enjoyment of his own 30cents. Likewise, the 3rd respondent is in possession of 15 cents, the 4th respondent is in possession of 29cents and the 5th respondent is in possession of 14cents respectively in S.No.280/5.

5.The Second respondent passed an order dated 01.09.2008, sub dividing the S.No.280/5 into S.No.280/5A, 280/5B, 280/5C and patta has been granted to the respondents 3 to 5 for more than the extent purchased by the respondents 3 to 5. The said order of the second respondent has not been communicated to the petitioner. The petitioner approached the office of the second respondent to furnish the said order dated 01.09.2008, the second respondent has not considered the same. The petitioner preferred an appeal dated 25.07.2015, before the first respondent/Revenue Divisional Officer on 16.06.2015 against the order dated 01.09.2008 passed by the second respondent. Though, more than seven months was over, so far, no action has been taken on the side of the first respondent to dispose of the appeal. The petitioner approached this Court by way of present writ petition.

6.Heard the submissions of learned counsel appearing for the petitioner and the learned Government Advocate who accepts notice on behalf of the respondents 1 and 2.

7.In view of the nature of the order that is going to be passed in this writ petition, there is no need for issuing notice to respondents 3 to 5. Considering the submissions made by the learned counsel for the petitioner and the learned Government Advocate. This Court, without going into the merits of the same, directs the first respondent to dispose

the petitioner's appeal dated 16.06.2015 on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after affording opportunity of personal hearing to the petitioner as well as to the respondents 3 to 5, also to other necessary parties, if any.

8.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

tsh

To

1.The Revenue Divisional Officer
Krishnagiri.

2.The Tahsildar
Krishnagiri.

+1cc to Mr.V.Nicholas, Advocate, S.R.No.8515

+1cc to the Government Pleader, S.R.No.8862

W.P.No.4914 of 2016

GJ(CO)
CA(26/02/2016)

सत्यमेव जयते

WEB COPY