

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.5716 of 2016

1. K.Raniammal
2. D.Rukmani
3. P.Vasantha Kumari
4. K.Parthipan
(Petitioners 1 to 4 represented by
their Power of Attorney Agent
Mr.Thandapani)
5. K.Dhandapani .. Petitioners
Vs.

The District Revenue Officer, Kancheepuram. .. 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 pass orders on the representation, dated 05.05.2015 given by the petitioners, within a time frame to be fixed by this Court.

For Petitioners : Mr.A.Thiagarajan
For Respondent : Mr.P.Sanjay Gandhi, Addl.G.P.

ORDER

The petitioner has filed this Writ Petition for issuance of a Writ of Mandamus to direct the respondent to pass orders on the representation, dated 05.05.2015 given by the petitioners, within a time frame to be fixed by this Court.

2. The fifth respondent, who is the Power Agent of the petitioners 1 to 4, has sworn to the affidavit filed in support of the Writ Petition. It is the case of the petitioners that as against the claim of one Kanniappan and others for issuance of joint patta, the Revenue Divisional Officer, Chengalpet, by proceedings dated 16.08.2012, rejected the claim, against which, the said Kanniappan filed appeal, dated 25.09.2012 before the respondent-District Revenue Officer, Kancheepuram, which is pending. Subsequently, the petitioners herein along with the said Kanniappan and another, preferred a Writ Petition in W.P.No.4617 of 2013 seeking for a direction to the respondent-District Revenue Officer, Kancheepuram, to pass orders on the

above said appeal, dated 25.09.2012 filed by the petitioners. This Court, by order dated 25.02.2013, disposed of the said Writ Petition, by directing the respondent to consider the appeal dated 25.09.2012 and pass orders on merits and in accordance with law, after affording opportunity of hearing to the petitioners therein and others, if any, within a period of three months from the date of receipt of a copy of the order. It is the further case of the petitioner that the said Kanniappan died on 17.09.2104. Thereafter, enquiry was conducted on 30.10.2014 and since the said appeal was not disposed of, the petitioners sent representation/legal notice, dated 05.05.2015 to the respondent, requesting him to dispose of the appeal. The respondent fixed the date of hearing as 18.06.2015. The petitioners argued the matter before the respondent by producing documents and requested for disposal of the appeal. Since the said appeal is still pending, the petitioners have filed this Writ Petition for the above relief.

3. Heard the learned counsel for the petitioners and the learned Additional Government Pleader, who took notice for the respondent.

4. Considering the limited scope of the prayer made in this Writ Petition, without going into the merits of the case, this Writ Petition is disposed of, with a direction to the respondent to consider the said representation/legal notice of the petitioners, dated 05.05.2015 seeking for disposal of the said appeal, dated 25.09.2012, and after giving an opportunity of hearing to the petitioners and necessary parties, pass appropriate orders on the said representation/legal notice, dated 05.05.2015 and dispose of the said appeal, dated 25.09.2012, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. No costs.

cs

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

TO

The District Revenue Officer, Kancheepuram.

+ 1 CC TO Mr.A.Thiagarajan, Advocate Sr 9915

+ 1 cc to The Govt.Pleader, Sr 10204

KR/29/2/16

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