

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 07.06.2016

Coram:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.5820 of 2016
and
W.M.P.Nos.5167 & 5168 of 2016

Hogenakkal Sri Kaveri
Ranganatha Swamy Thula Karthiga
Dhartrihavana Vana Bajana Arakkattalai,
rep.by its Managing Trustee P.R.Srinivasan,
A.Pauparapatty Post,
Dharmapuri District ... Petitioner

vs.

- 1.The District Collector,
Office of the District Collector,
Dharmapuri.
- 2.The District Revenue Officer,
Pennagaram Taluk,
Dharmapuri District.
- 3.The Tahsildar,
Koothapadi Village,
Pennagaram Taluk,
Dharmapuri District
- 4.The Commissioner,
Office of the Commissioner of Fisheries,
Rajaji Salai,
Chennai.
- 5.The Assistant Director of Fisheries,
Pennagaram Taluk,
Dharmapuri District.
- 6.The Commissioner for Land Administration,
Chepauk,
Chennai.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus calling for the records leading to the passing of the impugned order of the 2nd respondent, dated 21.11.2013, served on the petitioner only on 05.03.2014, in Na.Ka.En.22914/2012/t1 and the order of the 6th respondent dated 18.2.2015, in proceedings No.Ji 1/24297/2014, rejecting our appeal CLA 24297 of 2014 and quash the same and consequently directing the respondents 1 and 2 to grant patta to the petitioner in respect of the lands in Survey No.1102/3 to an extent of 50 cents and in Survey No.1102/4 to an extent of 39 cents Koothapadi Village Pennagaram Taluk, Dharmapuri District.

For Petitioner : Mr.C.Jagadish
For Respondents : Mr.R.Govindasamy, Spl.G.P.

ORDER

By consent, the writ petition itself is taken up for final disposal.

2. The petitioner Trust has approached the District Revenue Officer, Dharmapuri/the second respondent herein, for issuance of patta in respect of Survey Nos.1102/3 and 1102/4 at Koothapadi Village Pennagaram Taluk, Dharmapuri District and the said original authority, vide impugned order dated 21.11.2013, observed, among other things, that the said Trust had encroached upon the Government Porambokke land, without any prior permission and therefore, patta cannot be granted to the petitioner Trust. The petitioner, aggrieved by the said order, filed an appeal before the 6th respondent, who rejected the said appeal on the ground that the said appeal has been filed belatedly after 60 days and challenging the legality of the said order, the petitioner filed the present writ petition.

3. The learned counsel appearing for the petitioner would submit that it would suffice to direct the 6th respondent, the appellate authority, to entertain the appeal and give a disposal on merits and in accordance with law and prays for maintenance of status-quo as prevalence as on the date of passing of the interim order in this writ petition, till such disposal.

4. Mr.R.Govindasamy, learned Special Government Pleader, who accepts notice on behalf of respondents 1 to 6, would submit that since the appellate authority cannot condone the delay beyond the period of 60 days, the appeal petition filed by the petitioner came to be rightly rejected and prays for dismissal of the writ petition.

5. This Court has considered the rival submissions made on either side and also perused the materials.

6. Though the petitioner prayed for a larger relief of issuance of writ of certiorarified mandamus, this Court, in the light of the above facts and circumstances, without going into the merits of the claim projected by the petitioner, directs the petitioner to re-present the appeal papers within a period of two weeks from the date of receipt of a copy of this order to the first respondent, who, on receipt of the same, shall entertain the appeal, if the papers are otherwise in order, without raising the issue of limitation and give a disposal in accordance with law within a further period of 12 weeks thereafter, after putting on notice the person/s interested and till such time maintain status-quo as existed on the date of issuance of the interim order dated 17.2.2016 in W.P.No.5820 of 2016.

7. The writ petition is disposed of accordingly. No costs. Connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar(co)

True Copy

Sub-Assistant Registrar

msk

To

- 1.The District Collector,
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- 2.The District Revenue Officer,
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- 3.The Tahsildar,
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Pennagaram Taluk,
Dharmapuri District
- 4.The Commissioner,
Office of the Commissioner of Fisheries,
Rajaji Salai,
Chennai.

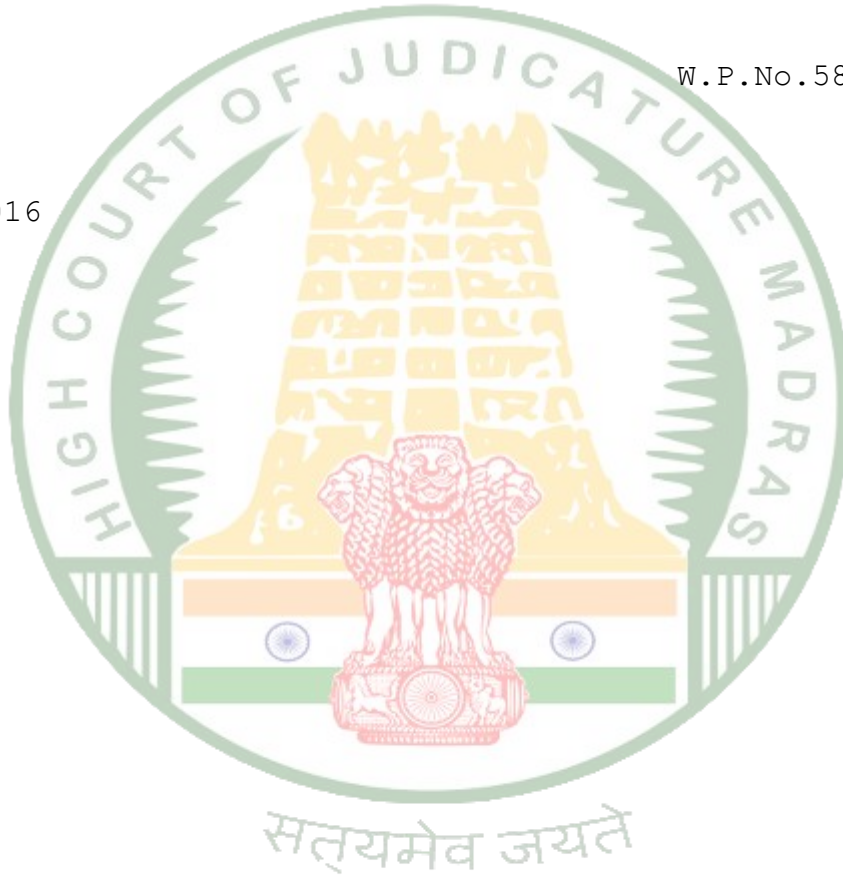
5.The Assistant Director of Fisheries,
Pennagaram Taluk,
Dharmapuri District.

6.The Commissioner for Land Administration,
Chepauk,
Chennai.

+1 cc to Mr.C.Jagadesh Advocate sr.30397
+1 cc to Government pleader sr.30531

W.P.No.5820 of 2016

pvs (co)
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