

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.9550 of 2016

Pazhamalai

... Petitioner

vs.

1.The Revenue Divisional Officer,
Virudhachalam,
Cuddalore District.

2.The Tahsildar,
Virudhachalam Taluk,
Cuddalore District.

3.Prabhu Kumar

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the first respondent to conduct enquiry and pass orders on merits in Na.Ka.A3/6611/15 dated 23.1.2016 within a stipulated time fixed by this Court.

For Petitioner : Mr.J.Antony Jesus

For Respondents : Mr.M.Dig Vijaya Pandian,
Addl. Govt. Pleader,
for R.1 and R.2

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ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the first respondent to conduct enquiry and pass orders on merits in the appeal in Na.Ka.A3/6611/15 dated 23.1.2016 within a stipulated time fixed by this Court.

2. It is the case of the petitioner that originally the property measuring to an extent of 66 cents Punja land in Survey No.33/3A, 37/6B, 40/13A, Chinna Paroor Village, Virudhachalam Taluk, belonged to one Renganayaki. The said Renganayaki executed a settlement deed dated 2.11.1998 in favour of the petitioner's son Prabhu Kumar, the third respondent herein, while he was a minor, vide document No.1273/98. Thereafter, the third respondent executed a settlement deed dated 23.7.2007 in favour of the petitioner in respect of the said land and from the said date onwards, the petitioner is in possession and enjoyment of the said land. While so, the third respondent approached the second respondent for transferring patta in his name regarding the said property and the second respondent has also transferred the patta in favour of the third respondent. After executing the settlement deed dated 23.7.2007, the third respondent has no right or interest over the said property. Further, emboldened by the issue of patta in his name, the third respondent executed a sale deed dated 11.9.2015 in favour of one Balamurugan. The action of the second respondent in transferring the patta in the name of the third respondent is completely illegal, arbitrary and without jurisdiction. Hence, the petitioner filed an appeal before the first respondent requesting him to set aside the order of the second respondent granting patta to the third respondent. But, the first respondent is periodically adjourning the matter without passing any orders. Hence, the petitioner has come up with the present writ petition seeking a direction to the first respondent to conduct enquiry and pass orders on merits in the appeal in Na.Ka.A3/6611/15 dated 23.1.2016 within a stipulated time.

3. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who has taken notice on behalf of the respondents 1 and 2.

4. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim made by the petitioner, this Court directs the first respondent to expedite the enquiry of the appeal in Na.Ka.A3/6611/15 dated 23.1.2016 and dispose of the same, on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioner as well as to

the third respondent and other necessary parties, if any, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim of the petitioner. The writ petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sbi

To

1.The Revenue Divisional Officer,
Virudhachalam,
Cuddalore District.

2.The Tahsildar,
Virudhachalam Taluk,
Cuddalore District.

+1 cc to Government Pleader High Court Madras
sr.16648

W.P.No.9550 of 2016

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