



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 08.06.2016

CORAM

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P (MD) No.10050 of 2016

C.Manickam

..Petitioner

Vs

1.The District Collector,
Collectorate Office,
Tuticorin,
Tuticorin District.

2.The Revenue Divisional Officer,
Tiruchendur,
Tuticorin District.

3.The Tahsildar,
Sathankulam,
Tiruchendur,
Tuticorin District.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the second respondent to dispose of the appeal filed by the Petitioner on 13.3.2012, pending before him.

For Petitioner :M/s.S.Natesh Raja

For Respondents : Mr.J.Gunaseelan Muthiah
1 to 3 Govt.dvocate

ORDER

Heard both sides.

2.By consent of both sides, the main Writ Petition itself is taken up for final disposal.

3.According to the Petitioner, there is a dispute between himself and one Duraipandy regarding the identification of the property in question. It is the stand of the Petitioner that in the partition between Duraipandy and his brother Paulraj, 2.25 acres adjoining to his property was allotted to Duraipandy. In

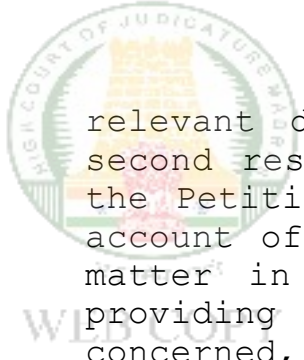


this regard, the Petitioner had given a representation to the first respondent/The District Collector, Thoothukudi District on 2.5.2011 to survey his property and for sub-division. There is no response from the first respondent. Therefore, he sent a letter under Right to Information Act, on 21.9.2011 seeking the result of the Petition. Further, the first respondent/The District Collector, Thoothukudi District by means of letter, dated 11.10.2011 informed the Petitioner that he has sent the representation of the Petitioner to the second respondent for report and on obtaining report, further action would be taken.

4. The Petitioner as per the legal advice, has preferred an appeal against the wrong sub-division of S.No.221/3A before the second respondent/The Revenue Divisional Officer, Tiruchendur, Tuticorin District. The second respondent through communication, dated 22.3.2012 had informed the Petitioner that after fixing the date of hearing, the same will be informed to him. Thereafter, on the complaint made by him before the first respondent/The District Collector, Tuticorin District, a direction was given to the by the District Collector, Tuticorin District on 4.5.2012 to the first respondent to take action and inform the respective parties. The second respondent office had informed the Petitioner through letter, dated 17.09.2012 that the appeal filed by him to cancel the sub-division of S.No.221/3A by means of proceedings dated 13.7.2010 is pending. The Petitioner has not received any communication from the second respondent regarding the date of hearing. It appears that the second respondent has sent a letter, dated 14.8.2015 (for the letter of the Petitioner, dated 15.7.2015) informing that the enquiry is not yet completed and after completion of enquiry, orders will be passed.

5. The main grievance of the Petitioner is that he is 90 years old and out of his hard earned money, he had purchased the property in the name of his wife and because of wrong sub-division, he could not sell his properties. Therefore, the Petitioner has preferred the present Writ Petition praying for passing of an order in directing the second respondent to dispose of the appeal filed by him on 13.3.2012 pending before the second respondent.

6. In view of the fact that the appeal preferred by the Petitioner, dated 13.3.2012 is nearly four years old and since no positive action has been taken in the pending appeal on the side of the second respondent/The Revenue Divisional Officer, Tiruchendur, Tuticorin District, this Court deems it fit and proper, based on Equity, Good Conscience and Fair Play and in the interest of justice, directs the second respondent/The Revenue Divisional Officer, Tiruchendur, Tuticorin District to dispose of the appeal filed by the Petitioner, dated 13.2.2012 on merits, within a period of six weeks from the date of receipt of a copy of this order. It is open to the Petitioner to produce



relevant documents/records in his possession/custody before the second respondent and if such records/documents are furnished by the Petitioner, it is open to the second respondent to take into account of the same and to dispose of the appeal in the subject-matter in issue within the time adumbrated by this Court (by providing necessary opportunity to the Petitioner and others concerned, if any, by adhering to the principles of natural justice in true letter and spirit).

7. With the aforesaid observations and directions, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

vsn
To

1. The District Collector, Collectorate Office,
Tuticorin, Tuticorin District.
2. The Revenue Divisional Officer, Tiruchendur,
Tuticorin District..The Tahsildar,
Sathankulam, Tiruchendur,
Tuticorin District.
- 3 The Tahsildar, Sathankulam,
Tiruchendur, Tuticorin District.

+1CC to Mr.Natesh Raja Advocate Sr.No.29023
+1CC to Spl.Government Pleader Sr.No.28763

GJM/ARK/PV/SARI-15.6.16-3P-6C

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