



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2016

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

Writ Petition (MD). No.10064 of 2016

Rajendran

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Padmanabhapuram,
Kanyakumari District.

2.Sellappan

... Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 1st respondent to dispose of the proceeding No.A3/4186/2014 as early as possible within a time frame stipulated by this Honourable Court.

For Petitioner :Mr.V.Angusamy
For Respondents :Mr.J.Gunaseelan Muthiah
Government Advocate for R-1
Mr.R.Russel Raj for R-2

O R D E R

Heard both sides.

2. By consent, the main writ petition itself is taken up for final disposal. No counter is filed on behalf of the respondent.

4. According to the petitioner, an extent of land measuring 11 ½ acre in New Sy.No.254/8 in Neiyoor Village is belonged to Arulmigu Muthalamman Sudalaimada Swamy and the said land is standing in patta No.6724. As a matter of fact, the revenue records viz., A Register is reflecting the deity's name in patta No.6724 for Sy.No.254/8.

5. The real grievance of the petitioner is that the second respondent had changed patta No.6724 in his name, without any basis. As such, on 18.09.2014, one of his relatives viz.,



Rajagopal S/o.Rajasundaram filed a petition before the 1st respondent to remove the 2nd respondent's name from patta No.6724 and to restore it to the original name of deity.

6. It is an admitted fact by the respective parties that the proceeding for cancellation of patta is pending on the file of the first respondent in Ref.No.Aa3/4186/2014 and although, the opposite party had filed counter as early as on 07.11.2014, the first respondent is keeping the matter pending without passing any orders.

7. It is brought to the notice of this Court that on 27.10.2014, the second respondent was present before the first respondent/Revenue Divisional Officer, Padmanabhapuram. However, on that day, the petitioner remained absent. Thereafter, the brother of the petitioner had filed an impleading petition and the same was allowed by the first respondent. Thereafter, there is a lull in the pending proceeding before the first respondent in the subject matter in issue. Therefore, the petitioner has filed the present writ petition.

8. In view of the fact that the proceeding in Ref.No.Aa3/4186/2014 is pending on the file of the first respondent, without any significant progress, at this stage, this Court, without delving deep into the merits of the controversies between the parties, simpliciter, to advance the cause of Justice, directs the first respondent/Revenue Divisional Officer, Padmanabhapuram to take up the pending proceeding in Ref.No.Aa3/4186/2014 and to continue with the same in the subject matter in issue till its logical end (Of-course, after providing necessary opportunity to the petitioner and others concerned in the subject matter in issue by adhering to the principles of Natural Justice in true letter and spirit.), within a period of 8 weeks from the date of receipt of a copy of this order and to pass necessary orders, as per rules and regulations that are in force.

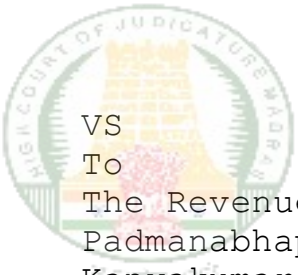
9. It is open to the respective parties to the proceeding to raise all factual and legal pleas before the first respondent in the pending proceeding in Ref.No.Aa3/4186/2014 and at the time of passing final orders, the first respondent shall advert to the same and to do the needful in the subject matter in issue.

10. With the aforesaid observation(s) and direction(s), the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AE)

/True Copy/



VS

To

The Revenue Divisional Officer,
Padmanabhapuram,
Kanyakumari District.

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+1CC to Mr.V.Angusamy, Advocate Sr.No.34572

+1CC Spl.Government Pleader Sr.No.34522

+1CC to Mr.R.Russelraj, Advocate Sr.No.34536

GJM/AAL/MPA/13.7.16-3p-5C

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