

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 30.06.2016****CORAM:****THE HONOURABLE Mr. JUSTICE M. VENUGOPAL****W.P. (MD) No. 10654 of 2016**

David Premkumar

... Petitioner

Vs.

The Revenue Divisional Officer,
Tirunelveli District,
Tirunelveli Collector's Campus,
Tirunelveli 627 009.

... Respondent

Prayer: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to dispose of the statutory appeal dated 03.05.2016 filed by the petitioner under Section 12 of the Tamil Nadu Patta Pass Book Act, within a reasonable time as may be fixed by this Court.

For Petitioner : Mr.M.Antony Jesurajan
For Respondent : Mr.S.Kumar, AGP

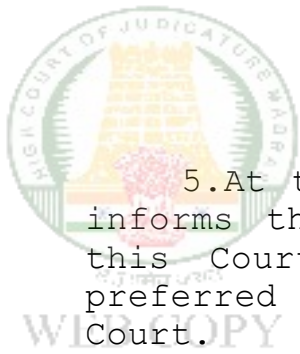
ORDER

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.

3.The grievance of the Petitioner is that his statutory appeal dated 03.05.2016 filed under Section 12 of the Tamil Nadu Patta Pass Book Act, 1983 is pending on the file of the Respondent. According to the Petitioner, he being the owner of a part of the land by way of registered sale, failure to provide reasonable opportunity to put forward his contentions before canceling his name from the patta is an illegal one. It transpires that the Revenue Tahsildar of Palayamkottai by means of proceedings, dated 07.04.2016 had removed the name of the Petitioner from the joint patta, as per the order dated 07.04.2016.

4.It is not in dispute that the Petitioner had preferred a statutory appeal before the respondent on 03.05.2016 and the same is not taken on file by the respondent. In short, the grievance of the Petitioner is that without any service of notice or summons or enquiry, the appeal preferred by him is pending without any progress or disposal.



5. At this juncture, the learned Additional Government Pleader informs this Court that if certain time limit is determined by this Court, then the Respondent would dispose of the appeal preferred by the Petitioner within the time stipulated by this Court.

6. Considering the fact that the Petitioner's appeal dated 03.05.2016 is pending on the file of respondent, at this stage, this Court simpliciter, in the interest of justice, directs the respondent to number the appeal preferred by the Petitioner within a week from the date of receipt of copy of this order. Thereafter, the respondent shall dispose of the appeal after issuing necessary notice to the concerned parties and also after providing due opportunity to the Petitioner and others concerned, who are interested in the subject matter in issue shall dispose of the said appeal within a period of 6 weeks thereafter. The Petitioner is required to render his assistance and cooperation to the respondent as regards the disposal of the appeal within the time determined by this Court.

7. It is needless for this Court to make a significant mention that in case the respondent / Revenue Divisional Officer, Tirunelveli, is in need of necessary documents / records, then the same shall be obtained from the Petitioner or from concerned persons and it is made clear that the Petitioner shall provide the necessary documents to the respondent, if he is in need of the same. After receipt of necessary records, it is open to the respondent to pass necessary orders in the appeal preferred by the Petitioner dated 03.05.2016 within the time as stated supra.

8. With the above said observations and directions, the Writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar

To
The Revenue Divisional Officer,
Tirunelveli District,
Tirunelveli Collector's Campus, Tirunelveli 627 009.

+1 cc to The Special Government Pleader in SR.No.34371/16

nbj

CSL/ARK-PV/SAR-I/13.07.2016 :2P/3C

W.P. (MD) No.10654 of 2016

30.06.2016