

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 24.08.2016****CORAM****THE HONOURABLE MR. JUSTICE M. VENUGOPAL****W.P (MD) No.15788 of 2016**

Chelliah

... Petitioner

Vs.

1.The Revenue Divisional Officer/Assistant Collector,
Sivakasi, Virudhunagar District.2.The Tahsildar,
Sivakasi Taluk,
Virudhunagar District.

... Respondents

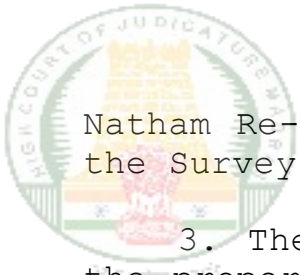
Prayer: Writ Petition is filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus directing the 1st Respondent to consider and dispose of the Petitioner's appeal in Na.Ka.A1/509/2014 pending on the file of the 1st Respondent, within a stipulated period as prescribed by this Court.

For Petitioner	: Mr.S.M.Anantha Murugan
For Respondents	: Mr.J.Gunaseelan Muthaiah, Government Advocate

O R D E R

Heard both sides. By consent, the main Writ Petition itself is taken up for final disposal. No counter-affidavit is filed on behalf of the Respondents.

2. According to the Petitioner, in the year 1992, the village lands and sites occupied by general public were surveyed under Natham Updating of Registry(UDR) Scheme all over Tamil Nadu. As a matter of fact, the entire land in Old Survey No.517/2 of Maranery, which was originally classified as 'Grama Natham' in old survey records, was re-surveyed as Natham Re-survey No.1666 with sub-divisions etc. At that time, he and his wife had gone to United States of America and stayed there with their daughter and her family members for about one year. For that reason, no-one at Maraneri was able to identify his vacant house site being part of Natham Re-survey No.1666 ie., measuring about 5 ½ cents owned by him. Indeed, the Survey Officials had sub-divided such extent as



Natham Re-Survey No.1666/1 and classified as 'Poromboke Land' in the Survey Register and other records.

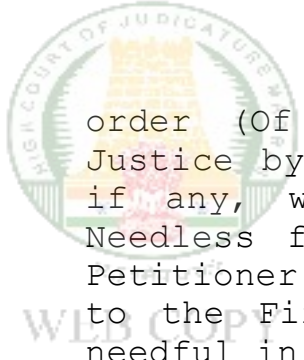
3. The specific stand of the Petitioner is that he is using the property in question from the year 1980 and till date, he is in possession and enjoyment of the said property. Apart from that, he is frequently travelling to United States of America and after coming to know about the mistake that had occurred in the subject matter in issue, he had filed a petition before the Commissioner of Land Reforms, Chennai and requested him to change the classification of Natham Re-Survey No.1666/1 of Maraneri Village as 'Natham' and issue patta in his name. Such petition was forwarded to the Second Respondent/Tahsildar, Sivakasi Taluk, Virudhunagar District, for conducting an enquiry and later on he was advised to file a similar petition. Accordingly, on 07.10.2013, he filed a petition for classification of Natham Re-Survey No.1666/1 of Maraneri Village as 'Natham' and sought for issuance of patta in his name, in respect of the property.

4. When that be the fact situation, the Second Respondent/Tahsildar, Sivakasi Taluk, Virudhunagar District, had issued a memo, dated 23.11.2013 to the Petitioner, in and by which, he rejected the petition filed by the Petitioner stating that since entries in Natham UDR Fair Adangal depicts the above site in Natham Re-Survey No.1666/1 as Poromboke, patta cannot be issued.

5. Indeed, the Petitioner had preferred an appeal before the First Respondent on 20.01.2014 being aggrieved against the order, dated 23.11.2013 passed by the Second Respondent and the said appeal was taken on file and the matter is pending as on date.

6. The real grievance of the Petitioner is that he is crossing the age of 83 years old and apart from that, he is a senior citizen, eagerly waiting for seeing the result in the appeal projected by him well before his death. Hence, he has filed the present Writ Petition before this Court praying for passing of necessary orders in directing the First Respondent to consider and dispose of his appeal in Na.Ka/A1/509/2104, pending on the file of the First Respondent, within a time frame stipulated by this Court.

7. Considering the fact that the Petitioner's appeal, dated 20.01.2014, is pending before the First Respondent/Revenue Divisional officer/Assistant Collector, Sivakasi, Virudhunagar District, till date, without any disposal, at this stage, this Court based on Equity, good Conscience, fair play, directs the First Respondent to take up the appeal of the Petitioner and to dispose of the same by passing a reasoned order on merits, within a period of four weeks from the date of receipt of a copy of this



order (Of course after adhering to the Principles of Natural Justice by issuing notice to the Petitioner and others concerned if any, who are interested in the subject matter in issue). Needless for this Court to make a significant mention that the Petitioner is to render her assistance and unstinted co-operation to the First Respondent so as to enable the latter to do the needful in the pending appeal lined before him.

With the above said Direction(s)/Observation(s), this Writ Petition stands disposed of. No Costs.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To

1.The Revenue Divisional Officer/Assistant Collector,
Sivakasi, Virudhunagar District.

2.The Tahsildar,
Sivakasi Taluk,
Virudhunagar District.

+1cc to M/S.S.M.A.ANANTHA MURUGAN, ADVOCATE SR NO: 47067
+1cc to M/S.THE SPECIAL GOVERNMENT PLEADER, SR NO: 47419

pm
JA-DB-07.09.2016/3P:5C

W.P(MD)No.15788 of 2016
24.08.2016