



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2016

CORAM

THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P (MD) No.15905 of 2016

Parasakthi

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Divisional Office,
Kodaikanal,
Dindigul District.

3.Neethirajan

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the 2nd Respondent to dispose of the Petitioner's representation, dated 23.07.2015 for seeking cancellation of patta No.227 in S.F.No.249/2, 980/9 and 1025/3 situated at Kookkal Village, Kodaikanal, Dindigul District within the time as framed by this Court.

For Petitioner : Mr.S.Karthik

For R-1 & R-2 : Mr.J.Gunaseelan Muthaiah,
Government Advocate

O R D E R

Heard the Learned Counsel for the Petitioner and the Learned Government Advocate for R-1 and R-2. No counter-affidavit is filed on behalf of Respondent Nos.1 and 2. To avoid an avoidable delay, notice to Third Respondent is dispensed with.

2. By consent of the Petitioner's side and R-1 & R-2's side, the main Writ Petition itself is taken up for final disposal.

3. According to the Petitioner, she and her sisters had filed a petition before the Second Respondent on 23.07.2015 for cancelling the patta granted in favour of the Third Respondent.



For more than one year, the Second Respondent/Revenue Divisional Officer, Kodaikanal, Dindigul District, had not passed any order. In fact, he periodically adjourned the subject matter in issue without any progress and thereby, affected the rights of the Petitioner prejudicially.

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4. The main grievance of the Petitioner is that the Second Respondent had conducted enquiry on 05.10.2015, 26.10.2015, 06.11.2015, 30.11.2015, 24.12.2015 and 27.01.2016 respectively. Thereafter, it appears that nothing has been heard from the Second Respondent. Also, the Petitioner in the Writ Petition at Paragraph No.4 had categorically averred that the Third Respondent's father is the President of the village and as such, he is having money power and muscle power. Furthermore, the primordial grievance of the Petitioner is that the Second Respondent had not moved an inch further after 27.01.2016 in the subject matter in issue, pertaining to the conduct of pending enquiry in question. In this connection, the Learned Counsel for the Petitioner brings it to the notice of this Court that the Petitioner filed W.P(MD)No.6382 of 2016 before this Court and on 01.04.2016, this Court had dismissed the Writ Petition as withdrawn by granting liberty to the Petitioner to file the present Writ Petition. Hence, the Petitioner has filed the present Writ Petition before this Court.

5. Considering the fact that the enquiry in the subject matter in issue is pending before the Second Respondent as on date and there appears to be no significant progress in the subject matter in issue after 27.01.2016, at this stage, this Court simpliciter, directs the Second Respondent to take up the conduct of enquiry from where he left and to proceed further by bringing the pending enquiry to a logical end, within a period of three weeks from the date of receipt of a copy of this order. At the time of passing necessary orders in the subject matter in issue, the Second Respondent is directed to pass a reasoned speaking order on merits (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 Second Respondent in the subject matter in issue.

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

Sd/

Assistant Registrar (P&A)

/True Copy/



To

1.The District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Divisional Office,
Kodaikanal,
Dindigul District.

+1 cc to MR.S.KARTHICK, Advocate SR.No.47500

+1 cc to Special Government Pleader SR.No.47716

W.P (MD) No.15905 of 2016
26.08.2016

SMA/GSV-PM/07/09/2016 :3P/5C