



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Writ Petition(MD)No.20929 of 2016

A.Zeenath Nisha

... Petitioner

Vs.

1.The District Revenue Officer,
O/o.District Revenue Officer,
Thanjavur.

2.The Revenue Divisional Officer,
O/o.Revenue Divisional Officer,
Thanjavur.

3.The Thasildar,
Head Quarters,
Thanjavur.

4.The Zonal Deputy Thasildar,
Thanjavur Zonal,
Thanjavur.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the second respondent to consider the petitioner's representation, dated 27.01.2016 and conduct enquiry ordered by the first respondent in O.M.4420/2016, dated 05.02.2016 to the second respondent for cancellation of patta transferred pertaining to T.S.No.49/1, Thanjavur within the time stipulated by this Court.

For Petitioner

: Mr.A.S.Alaudeen

For Respondents

: Mr.J.Gunaseelan Muthiah
Government Advocate

ORDER

The present Writ Petition is filed for a direction to the second respondent to consider the petitioner's representation, dated 27.01.2016 and conduct enquiry as ordered by the first respondent in O.M.4420/2016, dated 05.02.2016 to the second respondent for cancellation of patta transfer pertaining to T.S.No.49/1, Thanjavur.



2.The learned counsel for the petitioner submitted that the petitioner is the owner of the property situated in T.S.No.49/1 at Thanjavur Town and patta stood in the name of the petitioner was cancelled without any notice and opportunity to him and therefore, the order of cancellation of patta is in violation of the Patta Passbook Act, 1983. He would further submit that against the order of cancellation of patta, the petitioner has preferred an appeal under the Patta Passbook Act, 1983 before the first respondent on 27.01.2016, which was acknowledged by the first respondent and referred the same to the second respondent on 29.02.2016. The learned counsel for the petitioner further confines his prayer only for a direction to consider the appeal filed by the petitioner, which is pending before the second respondent.

3.The learned Government Advocate appearing for the respondents submitted that the authorities require some time to consider the appeal, since they have to conduct a field survey and an enquiry by considering the relevant documents submitted by the petitioner.

4.Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

5.Considering the facts and circumstances of the case, this Court is inclined to direct the second respondent to consider the appeal submitted by the petitioner and pass orders on the same on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To

1.The District Revenue Officer,
O/o.District Revenue Officer,
Thanjavur.

2.The Revenue Divisional Officer,
O/o.Revenue Divisional Officer,
Thanjavur.



3.The Thasildar,
Head Quarters,
Thanjavur.

4.The Zonal Deputy Thasildar,
Thanjavur Zonal,
Thanjavur.

+1 cc to M/S.A.S.ALAVDEEN, Advocate SR.No.65235

+1 cc to Special Government Pleader SR.No.64777

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01.11.2016

SMA/SK-SKN/10.11.2016:3P/7C