



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.22635 of 2016

P.Shanmuga Sundaram

...Petitioner

Vs.

1.The Revenue Divisional Officer &  
Kokkirakulam, Tirunelveli - 9.  
Tirunelveli District.

2.The Tahsildar,  
Palayamkottai, Tirunelveli,  
Tirunelveli District.

3.P.E.S.Durai Pandian

...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 first respondent to take his appeal having been submitted on 04.10.2013 for the re-issuance of Joint Patta in respect of Ayyan Punja Survey No.66/1 and 66/3 situated at Mela Thidiyur Village, Palayamkottai Taluk, Tirunelveli District on their file and subsequently number the same and conduct enquiry thereupon and pass final order on merits and in accordance with law within a time frame as specified by this Court.

|                 |                           |
|-----------------|---------------------------|
| For Petitioners | : Mr.S.Palani Velayutham  |
| For R1 & R2     | : Mr.J.Gunaseelan Muthiah |
|                 | Government Advocate       |

### ORDER

The petitioner has filed this Writ Petition for issuance of a writ of mandamus directing the first respondent to take his appeal having been submitted on 04.10.2013 for the re-issuance of Joint Patta in respect of Ayyan Punja Survey No.66/1 and 66/3 situated at Mela Thidiyur Village, Palayamkottai Taluk, Tirunelveli District on their file and subsequently number the same and conduct enquiry thereupon and pass final order on merits and in accordance with law within a time frame as specified by this Court.

2.Heard the learned counsel for the petitioner and the Government Advocate appearing for the respondents and perused the materials available on record.



3. According to the petitioner, the petitioner has filed an appeal before the first respondent against the order passed by the Tahsildar, transferring patta, the same was sent by Registered Post on 04.10.2013, subsequently, he sent another remainder on 05.10.2015. So far, the appeal was not taken on file by the first respondent and no order has been passed.

4. The learned counsel for the first respondent, on instruction, would submit that no appeal is pending as on today filed before the first respondent.

5. In the above circumstances, the petitioner is directed to send copy of the appeal papers to the first respondent within a period of two weeks from the date of receipt of copy of this order and on receipt of the above appeal, the first respondent is directed to conduct enquiry and pass suitable orders on merits and in accordance with law after issuing notice to rival claimants within a period of eight weeks thereafter.

6. Accordingly, this writ petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar(CS )

To

1. The Revenue Divisional Officer & Kokkirakulam, Tirunelveli - 9.  
Tirunelveli District.

2. The Tahsildar, Palayamkottai, Tirunelveli, Tirunelveli District.

+1cc to Mr.S.Palanivelayutham, Advocate in SR No.72567

+1cc to the Special Government Pleader in SR No.72475

W.P(MD)No.22635 of 2016

24.11.2016

cm

PBK/SS-3/20.12.2016 ::2P-5C: