



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2016

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRA BAABU

W.P (MD) No.23966 of 2016

and

W.M.P (MD) No.17289 of 2016

K.Chellam

.. Petitioner

vs.

1.The Revenue Divisional Officer,
Revenue divisional office,
Aranthangi
Pudukottai District.

2.P.Pappu

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus directing the 1st Respondent to dispose of the appeal in Na.Ka.No.A6/2338/2016 pending on his file by conducting proper enquiry after providing sufficient opportunities of hearing to the petitioner by receiving the documents witnesses supported by her.

For Petitioner : Mr.J.Senthil Kumariah

For Respondents : Mr.T.S.Mohammed Mohideen
Additional Government Pleader
for R1

O R D E R

The petitioner seeks for a direction to the first respondent to dispose of the appeal by conducting enquiry and by providing sufficient opportunity of hearing to the petitioner by receiving the documents.

2.Since the writ petition can be disposed of without affecting the interest of the second respondent, notice to the second respondent is dispensed with. Mr.T.S.Mohammed Mohideen, learned Additional Government Pleader takes notice for the first respondent.



3.The grievance of the petitioner is that the first respondent, while hearing the appeal arising out of the patta proceedings, has not given sufficient opportunity to the petitioner to put forth her case by filing documents.

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4.Mr.T.S.Mohammed Mohideen, learned Additional Government Pleader invited this Court attention to the notice to the first respondent, dated 17.10.2016, calling upon the petitioner and the second respondent to appear before the enquiry with relevant documents. Therefore, he submitted that the petitioner was given opportunity.

5.Per contra, it is submitted by the learned counsel for the petitioner that on 04.11.2016, the first respondent, while hearing the appeal, refused to receive any documents from the petitioner.

6.At this stage, this Court is not inclined to go into all those rival contentions of the parties in respect of the merits of the matter. However, as it is stated that the appeal is still pending before the first respondent, needless to say that the first respondent shall give due opportunity of hearing to the petitioner as well as the second respondent by receiving the documentary evidence from their side and dispose of the appeal on merits and in accordance with law, if the appeal is not yet disposed of. Such exercise as stated shall be done by the first respondent, within a period of eight weeks from the date of receipt of a copy of this order.

7.With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To,

1.The Revenue Divisional Officer,
Revenue divisional office,
Aranthagi
Pudukottai District.

+1 cc to M/S.J.SENTHIL KUMARAI AH, Advocate SR.No.80639

+1 cc to Special Government Pleader SR.No.80904

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