

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

WRIT PETITION No.5233 of 2017

V.Rajendran

... Petitioner

vs.

1. The Revenue Divisional Officer,
Attur, Salem District.
 2. The Tahsildar,
Pethanaickenpalayam Taluk,
Pethanaickenpalayam,
Salem District.
(previously Attur Taluk)
- ... Respondents

Writ 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 Statutory Appeal filed by the petitioner on 11.05.2015 within the stipulated time.

For Petitioner : Mr.C.Prakasam

For Respondents: Mr.S.Rajeswaran,
Special Government Pleader

O R D E R

The petitioner has come up with this Writ Petition seeking a direction to the 1st respondent to dispose of the Statutory Appeal filed by him on 11.05.2015.

2. According to the petitioner, originally, his father Venkatachala Udayar purchased the land in S.No.186/2, West Rajapalayam Village under registered Sale Deed on 27.10.1955 to an extent of 82 cents by mentioning the boundaries of the land. Further, he purchased another extent of 0.72 acres in S.No.186/3 by mentioning the boundaries. On 30.03.1998, his father executed a Settlement Deed in favour of the petitioner to an extent of 0.75 acres situated in S.No.186/2. After the demise of his father, the remaining 7 cents of land in S.No.186/2 was enjoyed by the petitioner, his mother and his brother. Insofar as S.No.186/3 is concerned, the petitioner's father did not execute any Deed. Thereafter, the petitioner and his brother Vellamuthu constructed a house in S.No.186/2 and are residing

there and also running a poultry farm and cultivating coconut trees.

3. Now, the case of the petitioner is that his father did not obtain patta for the said lands and one Krishnan claimed patta for the said lands by stating that the said lands belonged to one Perumal Thotti. Though the name of Perumal Thotti was found in the revenue records, according to the petitioner, the said Krishnan is no way connected with Perumal Thotti. In this regard, the 2nd respondent passed an order on 17.04.2015 directing the parties to approach the Civil Court. Hence, the petitioner preferred an appeal before the 1st respondent on 11.05.2015 challenging the order dated 17.04.2015 passed by the 2nd respondent. Since no orders are passed on the said appeal and that the said Krishnan is often threatening him that he will trespass into his land with the help of hooligans, the petitioner is before this Court.

4. Heard the learned counsel on either side and perused the material documents available on record.

5. Considering the facts and circumstances of the case, this Court directs the 1st respondent herein to dispose of the Statutory Appeal dated 11.05.2015 preferred by the petitioner, in accordance with law, if it is numbered and is otherwise in order, as expeditiously as possible.

This Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

aeb

Sub Assistant Registrar

To:

1. The Revenue Divisional Officer,
Attur, Salem District.

2. The Tahsildar,
Pethanaickenpalayam Taluk,
Pethanaickenpalayam,
Salem District.

+1cc to Mr.Prakasam, Advocate, S.R.No.13906

+1cc to the Government Pleader, S.R.No.13846

VGI (CO)
RS (20/03/2017)

Order in
W.P.No.5233 of 2017