

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2017

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.20093 of 2013

Pandurangan

... Petitioner

vs.

1. The Revenue Divisional Officer,
Kallakurichi,
Villupuram District.
 2. Thangarasu
 3. Arachi
 4. Solai
 5. Kannan
 6. Kolanji
 7. Shanthi
- ... Respondents
- (Respondents 2 to 7 impleaded vide order of this Court, dated 18.07.2017 in M.P.No.1 of 2013)

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the respondent to pass orders on the appeal filed by the petitioner in Na.Ka.No.A4/879/2013 on the file of the respondent in respect of the land situated in Survey No.74/1 at Chinnamampattu Village, Periyamampattu Post, Kallakurichi Taluk, Villupuram District, within the stipulated time.

For Petitioner : M/s.Sai Bharath and Ilan

For Respondent : Mr.Akhil Akbar Ali,
Government Advocate

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O R D E R

The petitioner has come up with this Writ Petition seeking a direction to the respondent to pass orders on the appeal filed by him in Na.Ka.No.A4/879/2013 on the file of the respondent in respect of the land situated in Survey No.74/1 at Chinnamampattu Village, Periyamampattu Post, Kallakurichi Taluk, Villupuram District, within the stipulated time.

2. According to the petitioner, he is in possession and enjoyment of the punja land measuring an extent of 7 cents situated in Survey No.74/1 at Chinnamampattu Village, for the last 60 years and the Tahsildar has also issued Patta in his favour in respect of the said land vide Patta No.138. While being so, land admeasuring 1.5 cents in the above said Survey Number was acquired for laying the Panchayat road and without any notice, the Tahsildar, Kallakurichi, subdivided the main land as Survey Nos.74/2B and 74/3B and issued Patta in favour of Kaliyan vide Patta No.60. It is the case of the petitioner that the said land was never in possession and enjoyment of the said Kaliyan. Hence, having no other alternative, the petitioner filed an appeal before the respondent on 31.01.2013 to cancel the patta issued in favour of the said Kaliyan. After receipt of the same, the respondent issued summons to the petitioner and other respondents on 27.03.2013 in the appeal to appear before him on 15.04.2013. Since no orders were passed on his appeal for more than three months, the petitioner even made a representation to the Chief Minister's Special Cell and the same was communicated to the respondent. Despite several efforts, since his representation is not considered, having no other option, the petitioner is before this Court with the present Writ Petition.

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

4. Considering the facts and circumstances of the case, the respondent is directed to consider the petitioner's appeal dated 31.01.2013, after giving an opportunity of hearing to both the parties, including the persons, who are likely to be affected and pass appropriate orders on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order.

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

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

aeb

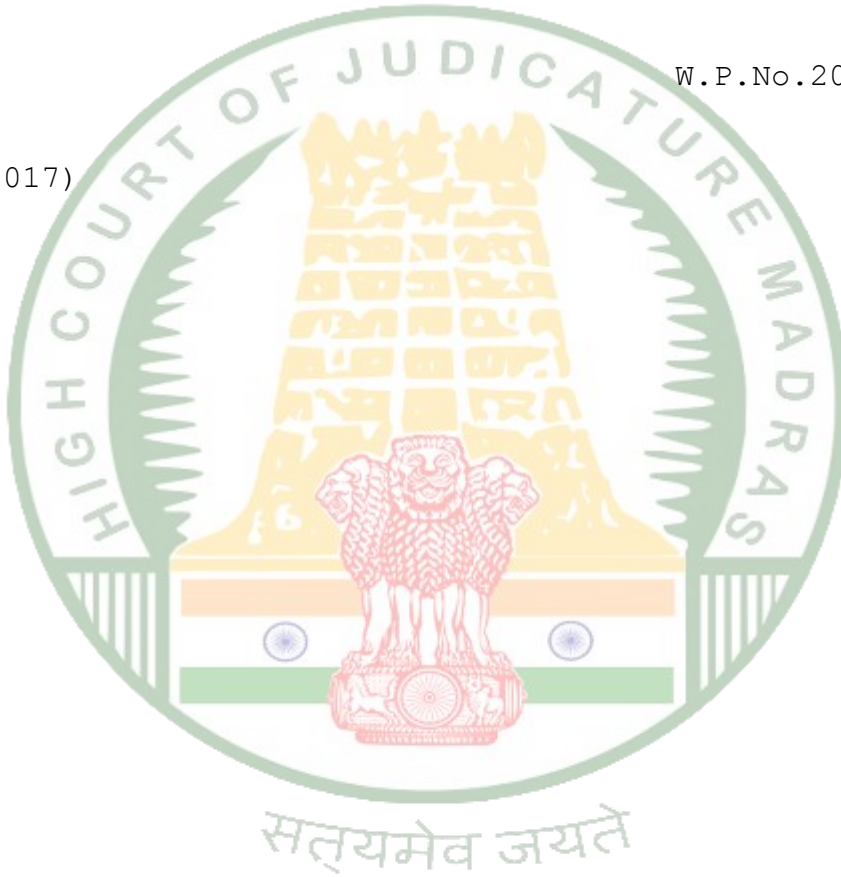
To:

The Revenue Divisional Officer,
Kallakurichi, Villupuram District.

+1 CC to M/s.Sai Bharath and Ilan, sr 50457.

W.P.No.20093 of 2013

NM(CO)
sp(07/09/2017)



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