

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2017

CORAM

THE HON'BLE Mr. JUSTICE V.PARTHIBAN

W.P.No.8674 of 2012

Dodda Bodikkan

... Petitioner

Vs.

1.The District Collector,
Krishnagiri District,
Krishnagiri.

2.The District Revenue Officer,
Krishnagiri District,
Krishnagiri.

3.The Tahsildar,
Hosur Taluk,
Krishnagiri.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the second respondent to pass orders on the petitioner's appeal filed in Na.Ka.No.1343/J2/2009 within time frame.

For Petitioner : Mr.K.Gandhikumar

For Respondents : Mr.R.S.Selvam,
Government Advocate

O R D E R

Heard Mr.K.Gandhikumar, learned counsel for the petitioner and Mr.R.S.Selvam, learned Government Advocate appearing for the respondents.

2. The petitioner has approached this Court for seeking the following relief,

"To issue a Writ of Mandamus, to direct the second respondent to pass orders on the petitioner's appeal filed in Na.Ka.No.1343/J2/2009 within time frame."

3. The case of the petitioner is as follows:-

According to the petitioner, his father had purchased a property in Uthanapalli Village, Survey No.869, for an extend of 1.88.5 Hectares land on 20.06.1922 and the same was registered

as Document No.1359/1922 SRO, Hosur. Ever since the purchase of the property, the petitioner's father was in possession and enjoyment of the same till his death. According to the petitioner, all the revenue records like Settlement Register, Patta, Citta were stood in his name.

4. The petitioner's father died in the year 1984, leaving the petitioner alone as the only legal heir. During the life time of the petitioner's father, the land was given to one Munisadappa for cultivation and the lands being cultivated, the mahasool was shared between him and his father.

5. While matter stood thus, the said Munisadappa got UDR Patta in his name without any valid right, title or interest over the property by representing wrong facts to the authorities concerned. In the meanwhile, Munisadappa also died and his son Muniappa, had executed a gift deed in favour of his wife Muniamma under gift deed dated 22.03.2006. In the said circumstances, the petitioner submitted a petition before the second respondent by way of an appeal and the same was taken up for enquiry on 30.04.2009, both sides represented and arguments also completed on the same day. However, no final order was passed in the matter. Thereafter, the petitioner had submitted a representation periodically, and finally, a representation was made on 17.08.2011. However, till the date of filing of the writ petition, no order was passed in the appeal by the second respondent. Therefore, the petitioner is before this Court, seeking issue of writ of Mandamus, directing the second respondent to pass orders on the appeal filed by the petitioner.

6. Upon notice, the learned Government Advocate appearing for the respondents has entered appearance and filed a detailed counter. He would submit that an appeal may be directed to be disposed of by the second respondent within a time frame fixed by this Court.

7. Since the prayer in the writ petition is limited in its scope, directing the second respondent to dispose of the appeal, and the learned counsel for the respondents would have no objection to such direction being issued. This Court directs the second respondent to dispose of the appeal pending before him at the instance of the petitioner herein and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

8. It is also made clear that before passing orders, parties have to be given one more opportunity of personal hearing, since the considerable time has lapsed when the appeal was heard by the authority as early as in 2009.

9. With these directions, the writ petition is disposed of.
No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The District Collector,
Krishnagiri District,
Krishnagiri.

2.The District Revenue Officer,
Krishnagiri District,
Krishnagiri.

3.The Tahsildar,
Hosur Taluk,
Krishnagiri.

+1 CC to Mr.K.Gandhikumar, Advocate sr 79430.
+1 Cc to Govt. Pleader sr 79613.

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SP(08/12/2017)

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