

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2017

CORAM

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

W.P. No.18995 of 2017

G.Pooshanam

...Petitioner

v.

1. The District Collector,
Kanchipuram District,
Kanchipuram.

2. The District Revenue Officer,
Kanchipuram District,
Kanchipuram.

3. The Revenue Divisional Officer,
Chengalpattu,
Kanchipuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the 2nd respondent to consider petitioner's appeal dated 10.01.2017 challenging the order passed by 3rd respondent in Na.Ka.2942/2015/AA dated 15.07.2016 and consequently direct the respondents to issue patta to the petitioner.

For Petitioner : Mr.M.Aswin

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

O R D E R

Mr.R.Rajeswaran, learned Special Government Pleader, takes notice for the respondents. By consent, the main writ petition itself is taken up for disposal at the admission stage itself.

2. The petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the second respondent to consider her appeal dated 10.01.2017 challenging the order passed by 3rd respondent and consequently, to issue patta to her.

3. The learned counsel appearing for the petitioner submitted that the petitioner has presented the appeal dated 10.01.2017 with a petition to condone the delay in filing the appeal.

4. Therefore, it is clear that the appeal filed by the petitioner has not yet been taken on record by the Second respondent/Appellate Authority. However, the prayer sought for in the Writ Petition is to direct the second respondent to dispose of the appeal dated 10.01.2017.

5. When the appeal itself has not yet been taken on record, and the petition for condonation of delay is pending, the prayer sought for in the writ petition cannot be granted. However, it is open to the second respondent to consider the petitioner's petition for condonation of delay on merits and in accordance with law.

6. In these circumstances, I do not find any merits in the Writ Petition. The Writ Petition is dismissed. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

rkp/Rj
To

1. The District Collector,
Kanchipuram District,
Kanchipuram.
2. The District Revenue Officer,
Kanchipuram District,
Kanchipuram.
3. The Revenue Divisional Officer,
Chengalpattu,
Kanchipuram District.

+1cc to the Government Pleader Sr. 53308
+1cc to M/S.M.Aswin, Advocate Sr. 52790

W.P. No.18995 of 2017

SAI (CO)
VR(11/8/2017)