

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.19744 of 2017

E.Manoharan

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Ranipettai, Arakonam Taluk,
Vellore District.
2. The Tasildhar,
Arakonam Taluk, Vellore District, Pin - 637 205.
3. S.Poongkodi
4. Poongkuzhali
5. R.Bagyarathi

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the order dated 24.05.2017 which was passed by the first respondent in his proceedings No.Oo.Mu/A4/4337/2017 and to quash the same as illegal and consequently to direct the first respondent to conduct an enquiry on the petition of the petitioner herein, which was delivered to the office of the first respondent on 27.01.2016, to cancel the patta name transfer in favour of the third to fifth respondents within a reasonable time.

For Petitioner : Mr.S.R.Karthikeyan

For Respondents : Mr.S.V.Doraisolaimalai
Additional Government Pleader

O R D E R

Mr.S.V.Doraisolaimalai, learned Additional Government Pleader takes notice for the respondents 1 and 2. By consent, the main Writ Petition is taken up for disposal at the admission stage itself.

2. The petitioner has filed the above Writ Petition to issue a writ of certiorarified Mandamus to call for the records of the first respondent order dated 24.05.2017 and to quash the same and to direct the first respondent to conduct an enquiry on the appeal filed by the petitioner to cancel the patta issued in favour of the respondents 3 to 5 within a reasonable time.

3. The petitioner has filed an appeal before the first respondent challenging the order passed by the second respondent, the Tahsildar, issuing patta in favour of the respondents 3 to 5. The first respondent, instead of taking up the appeal and deciding the same, has called for the records from the second respondent, the Tahsildar, who is the original authority to issue the patta in favour of the respondents 3 to 5 by order dated 24.05.2017 which is under challenge in this writ petition.

4. When the petitioner has filed an appeal before the first respondent, the first respondent cannot seek for a report from the original authority. The first respondent should have decided the appeal filed by the petitioner, himself, without calling for any report from the original authority.

5. Mr.S.V.Doraisolaimalai, learned Additional Government Pleader appearing for the respondents 1 & 2 also admitted that it is only the first respondent, who should decide the appeal filed by the petitioner. The learned Additional Government Pleader also submitted that the impugned order dated 24.05.2017 can to be set aside.

6. In view of the submissions made by the learned counsel on either side, the impugned order dated 24.05.2017 is set aside. The first respondent is directed to decide the appeal filed by the petitioner on merits and in accordance with law, after giving notice to the respondents 3 to 5, within a period of four months from the date of receipt of a copy of this order.

7. With these observations, the Writ Petition is allowed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

va/ah

To

1. The Revenue Divisional Officer,
Ranipettai,
Arakonam Taluk,
Vellore District.

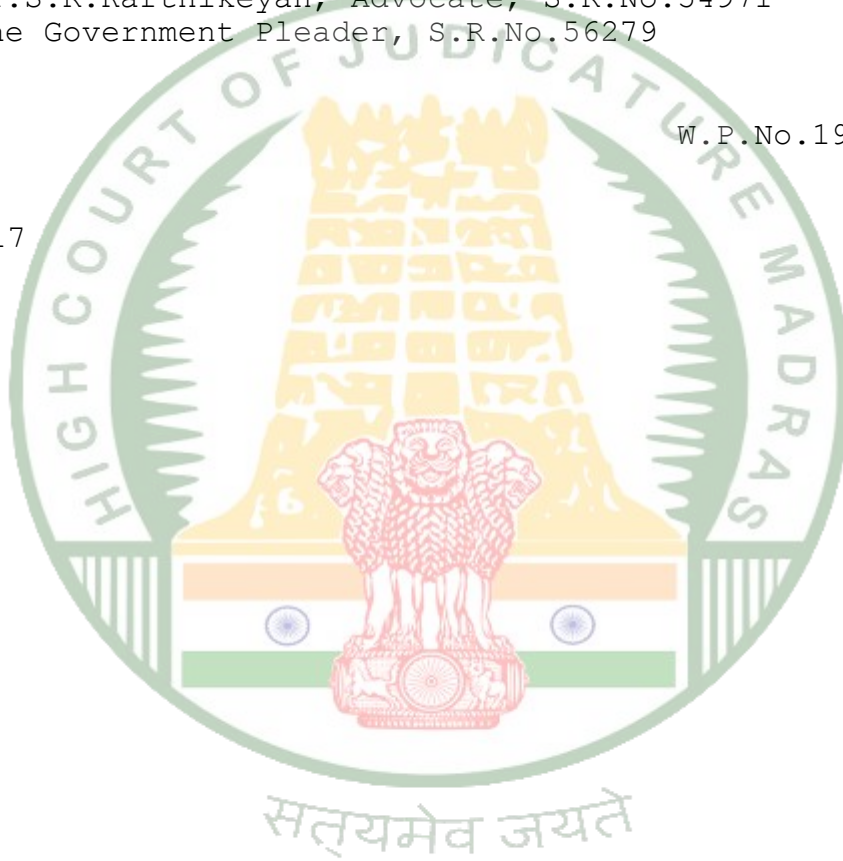
2. The Tasildhar,
Arakonam Taluk,
Vellore District,
Pin - 637 205.

+1cc to Mr.S.R.Karthikeyan, Advocate, S.R.No.54971

+1cc to the Government Pleader, S.R.No.56279

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CP(CO)
CS/21/08/17



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