

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.32597 of 2003
and
W.P.M.P.No.39506 of 2003

Sabiya Bivi .. Petitioner

Vs.

1. The Revenue Divisional Officer,
Chidambaram.
2. The Surveyor,
Patta Pass Book Zone-III,
Chidambaram.
3. H.Rahamathullah ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari to call for the records in Na.Ka.(Alagu No.3), 3074/2002, dated 13.03.2003 on the file of the second respondent which came to be passed at the instance of the first respondent and quash the same.

For petitioner : Mr.K.Srinivasan
For respondents: Mr.Akhil Akbar Ali,
Govt. Advocate for RR-1 & 2
No appearance for R-3

ORDER

In this Writ Petition, the petitioner has challenged the order dated 13.03.2003 in which, the request of the petitioner for issuance of patta, had not been considered favourably. It is stated that the petitioner is the only legal heir of her husband and they had no issues. The petitioner has already challenged the order of the Sub-Collector cancelling the transfer of patta made in favour of the petitioner, in W.P.No.3381 of 1999, which was dismissed by this Court on 20.07.2001. A reading of the impugned order makes it clear that the petitioner had an adverse order in her favour and as rightly contended by the learned Government Advocate appearing for the

respondents 1 and 2 that as against the order of the second respondent who has passed the impugned order, the petitioner has got a right of appeal. Since the Writ Petition is of the year 2003, and that the petitioner was 65 years old on the date of filing of the Writ Petition, if any appeal is filed, the same shall be decided by the authority concerned after hearing necessary parties and decision shall be taken within one month from the date of filing of the appeal. The petitioner, if so advised, shall file the said appeal within one month from today. The period during which the Writ Petition had been pending, shall be excluded for the purpose of limitation at the time of filing the said appeal. The Writ Petition is accordingly disposed of. As the petitioner had all along the benefit of interim stay of the impugned order, the same shall continue for a period of one month. No costs. W.P.M.P. is accordingly closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Revenue Divisional Officer,
Chidambaram.
2. The Surveyor,
Patta Pass Book Zone-III,
Chidambaram.

+ 1 cc to M/s. J. Antony Jesus, Advocate Sr.64410

W.P.No.32597 of 2003

MP(CO)
EU(04/10/2017)

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