



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2017

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN**

W.P(MD)No.2329 of 2015  
and  
M.P(MD)No.1 of 2015

Shah Alam .. Petitioner  
Vs.

- 1.The Special Commissioner and Director of  
Survey and Settlement Department,  
Chepauk, Chennai.
- 2.The Assistant Settlement Officer (South-in-charge),  
Survey and Settlement Department,  
Chepauk, Chennai.
- 3.The Assistant Settlement Officer,  
Madurai District, Madurai.
- 4.The District Collector,  
Dindigul District, Dindigul. .. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the Impugned Order made in O.Mu.667/2013 dated 21.02.2013 passed by the second respondent and quash the same and consequently direct the second respondent to entertain the appeal dated 30.01.2013 and to dispose the same in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.D.Sadiq Raja

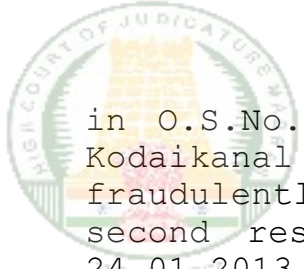
For Respondents : Mr.T.S.Mohammed Mohideen,  
Additional Government Pleader.

ORDER

This writ petition has been filed seeking a writ of Certiorarified Mandamus to quash the impugned proceedings, dated 21.02.2013, made in O.Mu.667/2013, by the second respondent and direct the second respondent to entertain the appeal, dated 30.01.2013, filed by the petitioner and dispose of the same in accordance with law, within the stipulated time as fixed by this Court.

2.Heard both sides.

3.The case of the petitioner is that he is the absolute owner of the property in D.No.26/289-J-37-1-B comprised in Survey Nos.104 Part and 102 Part, situates in Kodaikanal Town, Kodaikanal Taluk, Dindigul District. Since his adjacent land owners tried to interfere with his peaceful possession and enjoyment over the same, he filed civil suits in O.S.Nos.28 of 2002 and 181 of 2012 and one Lakshmi Priya, who is also a adjacent land owner, filed a civil suit



in O.S.No.245 of 2012 on the file of the District Munsif Court, Kodaikanal and the same are pending. The adjacent land owners also fraudulently obtained patta in respect of the said property from the second respondent. Therefore, he made a representation, dated 24.01.2013 to the fourth respondent, upon which, the fourth respondent directed the petitioner to prefer an appeal before the appropriate authority and the petitioner also filed an appeal before the second respondent on 30.01.2013, but the second respondent, vide impugned proceedings, dated 21.02.2013, directed the petitioner to redress his grievance on the basis of the outcome of the pending suit in O.S.No.245 of 2012. Therefore, the petitioner is before this Court.

4.Today, when the matter is taken up for hearing, the learned Additional Government Pleader appearing for the respondents, on instructions, would submit that the second respondent will consider the appeal filed by the petitioner and pass appropriate orders.

5.Recording the said submission made on the side of the respondents, the impugned proceedings, dated 21.02.2013, passed in O.Mu.667/2013, by the second respondent is set aside and the petitioner is directed to re-present the appeal before the second respondent within a period of two weeks from the date of receipt of a copy of this order and on such filing, the second respondent shall consider the same and pass appropriate orders on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner as well as any of the interested parties, within a period of six weeks thereafter.

6.The writ petition is allowed on the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CSIII)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Special Commissioner and Director of Survey and Settlement Department, Chepauk, Chennai.
- 2.The Assistant Settlement Officer (South-in-charge), Survey and Settlement Department, Chepauk, Chennai.
- 3.The Assistant Settlement Officer, Madurai District, Madurai.
- 4.The District Collector, Dindigul District, Dindigul.

+One cc to M/s.D.Sadiq Raja, Advocate, SR.No.87431

+One cc to The Special Government Pleader, SR.No.87811

smn

RL/7c/2p/KK/SAR4/4/12/2017

<https://hcservices.ecourts.gov.in/hcservices/>

ORDER MADE IN

W.P (MD) No.2329 of 2015

and

M.P (MD) No.1 of 2015

15.11.2017