



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2017

CORAM

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P. (MD) No.649 of 2015

WEB COPY

N.Kamalam (Died)

Ramachandran

[Petitioner's name substituted

as per order, dated 11.09.2017

and made in WMP(MD)No.12684

of 2017 in WP(MD)No.649 of 2015

: Petitioner

-vs-

1.The District Collector,
Office of the District Collectorate,
Trichy District.

2.The Revenue Divisional Officer,
Thuraiyur, Trichy District.

3.The Tahsildar,
Thuraiyur,
Trichy District,
Trichy.

4.Smt.Papathy

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, to direct the 2nd respondent to consider the representation/appeal of the petitioner, dated 02.07.2014 with regard to cancellation of patta for the property bearing No.292/2, 88 cents situated at Thuraiyur, Trichy, by summoning both parties and conduct an enquiry and dispose of the same on merits and in accordance with law, within a time frame.

For Petitioner	: Mr.G.Mohan Kumar for Mr.M.Arunmurugan
For R1 to R3	: Mr.C.Selvaraj Special Government Pleader
For 4 th Respondent	: Mr.N.Mohan

O R D E R

The prayer sought for in this writ petition is to direct the 2nd respondent to dispose of the representation/appeal of the petitioner, dated 02.07.2014.

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

2.Learned counsel for the petitioner would submit that aggrieved over the order of the 3rd respondent, the petitioner



preferred an appeal before the 2nd respondent on 02.07.2014. Since, there is no progress, the present writ petition has been filed.

3.Learned counsel for the 4th respondent vehemently opposed the writ petition contending that the suit filed by the 4th respondent in O.S.No.278 of 2014 on the file of the District Munsif, Thuraiyur is still pending and till the disposal of the suit, the appeal cannot be decided by the 2nd respondent.

4.In reply, the learned counsel for the petitioner would submit that the petitioner also filed O.S.No.293 of 2013 before the District Munsif, Thuraiyur, for declaration that the plaintiff is the legal heir of the Pethayee, who is the original owner of the property. It was decided infavour of the petitioner, which also reached finality.

5.Heard Mr.G.Mohan Kumar, learned counsel appearing for the petitioner, Mr.C.Selvaraj, learned Special Government Pleader for the respondents 1 to 3 and Mr.N.Mohan, learned counsel for the 4th respondent and perused the materials available on records.

6.Considering the nature of the prayer sought in this writ petition and also considering the submissions made on either side, this writ petition is disposed of with a direction to the 2nd respondent to dispose of the representation/appeal of the petitioner, dated 02.07.2014 purely on merits and in accordance with law, within a period of eight weeks from the date of receipt of the order copy, after providing opportunity of hearing to the parties concerned. No costs.

Sd/-

Assistant Registrar(AE)

/True Copy/

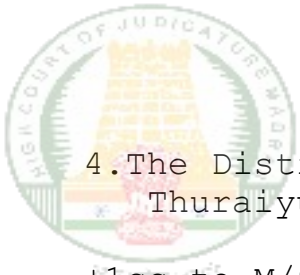
Sub Assistant Registrar

To,

1.The District Collector,
Office of the District Collectorate,
Trichy District.

2.The Revenue Divisional Officer,
Thuraiyur, Trichy District.

3.The Tahsildar,
Trichy District,
Trichy.



4.The District Munsif,
Thuraiyur.

+1cc to M/S.M.Arunmurugan, Advocate SR.No. 78209

+1cc to Special Government Pleader, SR.No. 78354

W.P. (MD) No.649 of 2015
11.09.2017

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JM/KK/SAR 3/26.09.2017/3P/7C