



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2017

CORAM:

THE HON'BLE Mr.JUSTICE K.KALYANASUNDARAM

WEB COPY

W.P (MD) No.10209 of 2017

and

W.M.P. (MD) No.7833 of 2017

P.Eswaran

... Petitioner

Vs.

1.The Revenue Divisional Officer,
O/o. the Revenue Divisional Office,
Periyakulam, Theni District.

2.The Tahsildar,
O/o. the Tahsildar,
Andipatti, Theni District.

3.M.S.Seit Paramasivam

4.S.Nagaraj

5.G.Marimuthu

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the 1st respondent to dispose the Appeal Petition number in 3602/2016/A1 dated 29.08.2016 filed by the petitioner and consequently direct the respondents No.1 and 2 to keep in abeyance the further proceedings of the Patta transfer order passed by the Respondent No.2 in T.R.No.2016/25/13/000048SD dated 08.03.2016 infavour of the Respondent Nos.3 and 4 with regard to property in Survey No.2208/1A1A2 in Patta Number 7848 and in Survey No.2208/1A1A3 in Patta Number 7849 situated at II-nd Bit, Thimmarasanayakanoor Village, Andipatti Taluk, Theni till the disposal of the said Appeal dated 29.08.2016, within the time frame fixed by this Hon'ble Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.A.Muthukaruppan,
Additional Government Pleader (for R1 & R2)

O R D E R

<https://hcservices.courts.gov.in/hcservices/> petition is filed for issuance of a Writ of Mandamus, to direct the 1st respondent to dispose the Appeal Petition number in 3602/2016/A1 dated 29.08.2016.



2. According to the petitioner, his grand father, Ramasamy Chettiyar purchased a property in Survey.No.2208/1, to an extent of 3.87 acres on 13.07.1950. After the demise of the said Ramasamy Chettiyar, his legal heirs sold 50 cents to the 5th respondent and his brother on 18.11.1996.

3. The petitioner would claim that there is no cart track in the northern side of the property, which was purchased by the 5th respondent, however, the 5th respondent along with his brother, while executing a partition deed, mentioned as if there is a pathway in the northern and eastern side of their property. Thereafter, the 5th respondent and his brother Arunachalam, sold 15 cents to the 3rd and 4th respondents, through a document number 513/16.

4. The petitioner would allege that based on the partition deed and sale deed, the second respondent on 08.03.2016, transferred Patta in the name of the respondents 3 to 5. Aggrieved by the order, the petitioner preferred an appeal before the first respondent on 29.08.2016, in appeal number 3602/16. Since it was not disposed of, the present writ petition has been filed.

5. Heard Mr.T.Lajapathi Roy, learned counsel appearing for the petitioner and Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for respondents 1 and 2 and perused records.

6. Considering the prayer sought for in the writ petition and without going in to the merits of the case, this Court directs the first respondent to pass orders on the appeal of the petitioner in appeal petition No.3602/2016/A1 dated 29.08.2016, on merits and in accordance with law, after providing opportunities to the petitioner as well as the respondents 3 to 5, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(co)

/ True Copy /

Sub Assistant Registrar(C.S.)



To

1.The Revenue Divisional Officer,
Periyakulam, Theni District.

2.The Tahsildar,
Andipatti, Theni District.

+1 CC TO MR.T.LAJAPATHI ROY, ADVOCATE,SR NO.58471

+1 CC TO SPECIAL GOVERNMENT PLEADER SR NO.58491

gk/arul

MAS/JC/SAR1:13.06.2017:3P-5C

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