



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 13.06.2017

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P (MD) No.10967 of 2017

and

W.M.P (MD) No.8389 of 2017

K.S.Rajashanmughavel

..Petitioner

Vs

1.The District Collector,
Tiruchirappalli.2.The Revenue Divisional Officer,
Lalgudi,
Tiruchirappalli District.3.The Tahsildar,
Manachanallur Taluk,
Tiruchirappalli District.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the Appellate Authority, the second respondent herein to dispose of the appeal, dated 13.3.2017 and 20.3.2017 filed before him after considering all the materials placed before the Original Authority and after giving an opportunity to the Petitioner by giving personal hearing to the Petitioner.

For Petitioner :Mr.M.Venkatachalapathy
Senior Counsel
for M/s.R.Devaraj

For Respondents :Mr.D.Muruganandam
Addl.Govt.Pleader

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus directing the Appellate Authority, the second respondent herein to dispose of the appeal, dated 13.3.2017 and 20.3.2017 filed before him after considering all the materials placed before the Original Authority and after giving an opportunity to the Petitioner by giving personal hearing to the Petitioner.



2.Mr.D.Muruganandam, learned Additional Government Pleader takes notice for the respondents.

3.By consent of both parties, the main Writ Petition is taken up for disposal, at the admission stage itself.

4.Mr.M.Venkatachalapathy, learned Senior Counsel, appearing for the Petitioner would submit that the Petitioner is the absolute owner of the property in Old S.F.No.45/1 and R.S.Nos.45, 200,201, 202, 203 and 204, measuring an extent of 5.30 acres and his right was also confirmed by the competent Civil Court in O.S.No.1283 of 1975. The Civil Suit filed by the rival claimants in O.S.No.1102/1983 was dismissed and it was found that the Petitioner has been in possession and enjoyment of the property.

5.The learned Senior Counsel would further submit that the Petitioner gave an application to the third respondent to survey and demarcate the land of the Petitioner. However, it was rejected only on the ground that as per the revenue records, the property is described as ''Government Poramboke'' land. It is further contended that when the Civil Court has already found that the Petitioner is the owner of the property and has been in possession and enjoyment, the third respondent has to survey and demarcate the property. Since the request of the Petitioner was rejected by the third respondent/The Tahsildar, Manachanallur Taluk, Tiruchirappalli District, the Petitioner has preferred an appeal to the second respondent. Since the said appeal was not yet disposed of, the Petitioner has filed the present Writ Petition, for the relief stated supra.

6.Mr.D.Muruganandam, learned Additional Government Pleader appearing for the respondents, on instructions, would submit that the appeal of the Petitioner, dated 13.3.2017 has been assigned as Appeal No.A3/547/2017 and the second respondent issued notice to the necessary parties. It is further submitted that the second respondent would dispose of the appeal of the Petitioner within a period of four months from the date of receipt of a copy of this order.

7.However, considering the facts and circumstances of the case, without going into the merits of the matter, this Court directs the second respondent to dispose of the appeal filed by the Petitioner in Appeal No.A3/547/1997, dated 13.3.2017, on merits and in accordance with law and pass orders on the same, after giving notice to the Petitioner and other interested parties, if any, taking into consideration of the relevant documents filed by the Petitioner before the Original Authority, as possible, preferably within a period of three months from the date of receipt of a copy of this Order



8. With the above direction, the Writ Petition stands disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (Records)

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/ True Copy /

Sub Assistant Registrar (C.S.)

To

1. The District Collector,
Tiruchirappalli.

2. The Revenue Divisional Officer,
Lalgudi,
Tiruchirappalli District.

3. The Tahsildar,
Manachanallur Taluk,
Tiruchirappalli District.

+1cc to M/S.R.DEVARAJ, Advocate SR.No.60014

+1cc to Special Government Pleader, SR.No. 60236

VSN

MAS/MR-KKR/SAR1:07.07.2017:3P-6C

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