



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 17.07.2017

CORAM:

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

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W.P (MD) No.13093 of 2017

Pandiyaraj

.. Petitioner

Vs.

1.The District Collector,
Sivagangai District, Sivagangai.

2.The Revenue Divisional Officer,
Sivagangai, Sivagangai District.

3.The Tahsildar,
Manamadurai Taluk Office,
Manamadurai, Sivagangai District.

4.Rajendran

5.Sethu

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the second respondent to dispose the Na.Ka.No.722/17/A3 within stipulated time fixed by this Court.

For Petitioner

: Mr.R.Manoharan

For Respondents 1 to 3

: Mr.G.Muthukannan
Government Advocate.
R.4 & R.5 - Dispensed with.

ORDER

The petitioner seeks a writ of mandamus to direct the second respondent to dispose of the petitioner's appeal in Na.Ka.No.722/17/A3 seeking to cancel the patta issued in favour of the fifth respondent in respect of the land in Survey Nos.137/4, 140/3, 140/4, 140/6 and 140/5, admeasuring 0.03 Ares, 0.03.5 Ares, 0.03 Ares, 0.60 Ares and 0.03 Ares respectively, situate at Manamadurai Group, Manamadurai Taluk, Sivagangai District, within the time stipulated by this Court.

2.Mr.G.Muthukannan, learned Government Advocate, takes notice for the respondents 1 to 3. In view of the nature of the service for by the petitioner, notice to the respondents 4 and 5 is dispensed with.



3. By consent of both the parties, this writ petition is taken up for hearing at the stage of admission itself.

4. Heard both sides.

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5. It is averred in the petition that one Meenakshisundaram is the owner of the lands in Survey Nos. 137/4, 140/3, 140/4, 140/6 and 140/5, admeasuring 0.03 Ares, 0.03.5 Ares, 0.03 Ares, 0.60 Ares and 0.03 Ares respectively, situate at Manamadurai Group, Manamadurai Taluk, Sivagangai District. The legal heirs of the said Meenakshisundaram, executed a power of attorney in favour of the petitioner in respect of the above said lands. According to the petitioner, the fourth respondent, so as to grab the above said lands, fabricated the documents as if he is the owner of the above said property and got patta in his name and the third respondent, without sending any notice to the legal heirs of the said Meenakshisundaram, also issued patta in favour of the fourth respondent, who in turn, executed a settlement deed in favour of the fifth respondent. Aggrieved over the same, the petitioner filed an appeal before the second respondent and the same has been taken on file in Na.Ka.No.722/17/A3 and the same is pending for a long time.

6. The learned Counsel for the petitioner would submit that it would be suffice, if the appeal filed by the petitioner is disposed of, by the second respondent as per law.

7. Considering the limited scope of the relief sought for, this Court, without going into the merits of the petitioner's claim, directs the second respondent to consider the appeal filed by the petitioner in Na.Ka.No.722/17/A3, 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 the respondents 4 and 5, within a period of eight weeks from the date of receipt of a copy of this order. If any third party will be affected by the nature of the relief sought for by the petitioner or by any order to be passed, the authority shall hear such person to avoid the allegations of violation of principles of natural justice.

8. The writ petition is disposed of as above. No costs.

Sd/-

ASSISTANT REGISTRAR (CO)

/TRUE COPY/

SUB

ASSISTANT

REGISTRAR



To

1.The District Collector,
Sivagangai District, Sivagangai.

2.The Revenue Divisional Officer,
Sivagangai, Sivagangai District.

3.The Tahsildar,
Manamadurai Taluk Office,
Manamadurai, Sivagangai District.

+2 Ccs to Mr.R.MANOCHARAN, ADVOCATE, SR NO.65850

+1 CC TO SPECIAL GOVERNMENT PLEADER SR NO.66149

SMN

MAS/SV/SAR2:26.07.2017:2P-7C

ORDER MADE IN
W.P (MD) No.13093 of 2017
17.07.2017