



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.10.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.18841 of 2017

1.K.Jayalakshmi
2.Veeraprathipan

.. Petitioners

Vs.

1. The District Revenue Officer,
Madurai District, Madurai.
2. The Revenue Divisional Officer,
Usilampatti, Madurai District.

3.Murali Manohar

.. 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 first respondent to dispose the appeal in Na.Ka.No.39208/2013/G2/dated 26.07.2013 within a time stipulated by this Court.

For Petitioners	: Mr.D.Anbarasu
For Respondents 1 and 2	: Mr.T.S.Mohammed Mohideen, Additional Government Pleader. R3 - Dispensed with.

ORDER

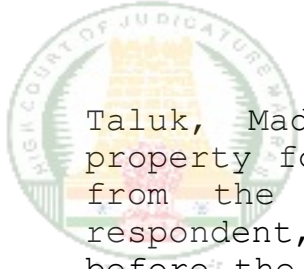
This writ petition is filed seeking a writ of mandamus to direct the first respondent to dispose of the appeal filed by the petitioners in Na.Ka.No.39208/2013/G2, dated 26.07.2013, within the time stipulated by this Court.

2.Mr.T.S.Mohammed Mohideen, learned Additional Government Pleader takes notice for the respondents 1 and 2. In view of the nature of the relief sought for by the petitioner, notice to the third respondent 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.

5.The case of the petitioners is that the petitioners owned the property in Survey No.83/1, Ponnangalam Village, Thirumangalam



Taluk, Madurai District and they are running a quarry in the property for a period of ten years after getting proper permission from the District Collector, Madurai. While so, the third respondent, without having any right over the same, filed a petition before the Tahsildar, Thirumangalam, seeking to cancel the patta in respect of the property and the same was referred to the second respondent. According to the petitioners, the second respondent, without issuing notice to the petitioners and also without conducting any enquiry, passed an ex-parte order on 23.05.2013, against which, the petitioners preferred an appeal before the first respondent on 28.06.2013 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 first respondent as per law.

7.Considering the limited scope of the relief sought for, this Court, without going into the merits of the petitioners claim, directs the first respondent to consider the appeal filed by the petitioners in Na.Ka.No.39208/2013/G2 and pass appropriate orders on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioners as well as the third respondent, within a period of six 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 petitioners 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 (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The District Revenue Officer,
Madurai District, Madurai.
2. The Revenue Divisional Officer,
Usilampatti, Madurai District.

+ 1 CC TO Mr.D.ANBARASU, ADVOCATE IN SR No. 82417
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 82311

SMN

TE/KP/SAR-II : 25/10/2017 : 2P/5C