



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2017

CORAM:

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

W.P (MD) No.9254 of 2017

and

W.M.P (MD) Nos.7034 and 7035 of 2017

P.Rajagobal

.. Petitioner

Vs.

1. The Revenue Divisional Officer,
Uthamapalayam Division, Theni District.

2. J.R.Venkatesh, Manager,
Global Investment One Development Private Limited,
No.45, Rootland Towers 4th Floor,
Saffi Mohammed Street, Nungambakkam,
Chennai.

3.J.Sanjay Jalan

4.B.Karthikeya Venkachalapathy
(Power Agent of Sanjay Jalan)

5.The Village Administrative Officer,
Odaipatti Village, Uthamapalayam Taluk,
Theni District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned appeal bearing Na.Ka.No.2796/2016/a4 dated 22.08.2016 on the file of the first respondent and quash the same as unlawful.

For Petitioner : Mr.P.Muthuvijayapandian

For Respondent No.1 : Mr.M.Alagathevan,
Special Government Pleader.

For Respondent No.4 : Mr.D.Balamurugapandi

For Respondents 2, 3 and 5 : No appearance

**ORDER**

This writ petition has been filed seeking a writ of Certiorari to quash the appeal, bearing No.Na.Ka.No.2796/2016/a4, dated 22.08.2016, filed by the second respondent, before the first respondent.

2.The case of the petitioner is that the petitioner inherited a land admeasuring 5 acres 88 cents, situated in Survey No.645/1 and 3, 646/6, 7 and 8, Odaipatty Village, Uthamapalayam Taluk, Theni District, from his father, and in the appeal filed by the third respondent in respect of the same, the third respondent confirmed the original patta granted in favour of the petitioner. According to the petitioner, now the second respondent, adopting the same way of the third respondent, filed an appeal dated 22.08.2016, before the first respondent, in respect of the said property. Therefore, the petitioner is before this Court with the aforesaid prayer.

3.Despite notice being served on the respondents 2, 3 and 5, there is no representation on behalf of them either in person or through counsel.

4.Heard the learned counsel M/s.P.Muthu Vijayapandian appearing for the petitioner, learned Special Government Pleader Mr.M.Alagathevan appearing for the first respondent as well as the learned counsel Mr.D.Balamurugapandi appearing for the fourth respondent.

5.According to the learned counsel appearing for the petitioner, an appeal, dated 22.08.2016, is pending before the first respondent for consideration. Under such circumstances, this Court, without going into the merits of the petitioner's claim, directs the first respondent to pass appropriate orders on the appeal, dated 22.08.2016, on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner as well as all other parties for production of documentary evidence and agitate the matter, within a period of six weeks from the date of receipt of a copy of this order.

6.The writ petition is disposed of as above. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/



To

The Revenue Divisional Officer,
Uthamapalayam Division, Theni District.

+ 1 cc TO Mr.P.Muthuvijayapandian , Advocate in SR No. 88509
+ 1 cc TO Mr.D.Balamurugapandi , Advocate in SR No. 88623
+ 1 cc TO The Special Government Pleader in SR No. 89100

smn

AE/SKN RSK/SAR1/08.12.2017/3P/5C

ORDER MADE IN
W.P (MD) No.9254 of 2017
and
W.M.P (MD) Nos.7034 and 7035 of 2017
21.11.2017