



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.(MD)No.6196 of 2013

M.Kamaraj

... Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by its Secretary,
Department of Revenue
Fort St. George, Chennai - 9.
2. The District Collector
Collectorate Office,
Trichy District.
3. The District Revenue Officer
Collectorate Office, Trichy District.
- 4.K.Shanmugam Pillai
- 5.Paratai Pillai
- 6.Thailammai
- 7.P.Singaram Pillai
- 8.S.Seenivasan
- 9.Umarani
- 10.P.Viswanathan
- 11.S.Thiruvenkatam
- 12.T.Murugesan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the third respondent to decide the amendment petition filed by the petitioner herein on file in case No. Na.Ka.G2/37092/2013 dated 19.03.2013 and permit the petitioner to file the requisite documents and services consequently to dispose of the case, within the time stipulated by this Court.



For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.J.Gunaseelan Muthiah, - for R1 to R3
Government Advocate
: Mr.T.Antony Arul Raj - for R6 to R8, R10 to R12
: Dismissed - R4, R5 & R9

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ORDER

This Writ petition has been filed seeking a Writ of Mandamus to direct the third respondent to decide the amendment petition filed by the petitioner herein on file in case No. Na.Ka.G2/37092/2013 dated 19.03.2013 and permit the petitioner to file the requisite documents and consequently to dispose of the case.

2. By consent, the writ petition is taken up for final disposal.

3. According to the petitioner, one Kamatchi had executed a deed of Tenancy on the property in S.No.39/7B in the year 2001, pursuant to which, he made an application to the Tahsildar, Lalgudi to mutate the revenue records and the said Tahsildar passed an order with regard to mutation of records in his favour. While so, some third parties, by creating forged documents obtained a joint patta in their names and therefore, the petitioner preferred an application to the second respondent to cancel the patta mutation order, based on which, notice in Na.Ka.No.A3/4862/2008 has been sent and an enquiry was conducted by the Revenue Divisional Officer. Though the petitioner appeared for enquiry, thereafter there was no progress on the matter, which constrained the petitioner to file a petition in W.P.(MD) No.9476 of 2011 seeking remedy of speedy disposal, consequent to which, this Court, by order dated 23.08.2011, directed him to present a proper application to the third respondent. Therefore, the petitioner has submitted a fresh application dated 23.11.2011 in the form of revision to the third respondent, which was taken on file in Na.Ka.G2/37092/2013 by the District Revenue Officer, Trichy District.

4. It is submitted by the petitioner that at the time of hearing the revision petition, filed an interlocutory application along with a representation dated 05.04.2013 to the third respondent for amendment for inclusion of the names of the respondents 8 and 9, their legal heirs and also the names of the pattadars, whose names were not included in the petition initially, but the third respondent refused to receive the same. Aggrieved by the same, the petitioner is before this Court, seeking a direction to the third respondent, at the first instance, to decide the amendment petition filed by the petitioner taking a decision in the revision in Na.Ka.G2/37092/2013.



5. Heard the learned Counsel on either side and perused the materials available on record.

6. The learned Counsel appearing for the petitioner would submit that the revision filed by the petitioner is pending before the District Revenue Officer / third respondent and it would suffice, if the same is disposed of by the third respondent by hearing all the parties, including the legal heirs and pattadars, within a reasonable time stipulated by this Court.

7. In view of the above submission and also considering the facts and circumstances of the case, this Court, without going into the merits of the matter, directs the third respondent to dispose of the revision, filed by the petitioner, if not disposed earlier, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, respondents 4 to 12 and other interested parties, if any, within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Department of Revenue ,
Fort St. George, Chennai - 9.

2. The District Collector
Collectorate Office,
Trichy District.

3. The District Revenue Officer
Collectorate Office, Trichy District.

+ 1 cc TO Mr.T.Lajapathi Roy , Advocate in SR No.93221
+ 1 cc TO Mr.B.Prasannan Vinoth , Advocate in SR No. 93451
+ 1 cc TO The Special Government Pleader in SR No. 93343
rm
AE/KKR/SAR2/09.01.2018/3P/7C

W.P(MD)No.6196 of 2013
15.12.2017