

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 13.08.2018
CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
W.P.No.26649 of 2014
and
M.P.No.1 of 2014

1.V.Balu
2.Vijayakumari

.. Petitioners

Vs.

1.The Land Reforms Commissioner
Ezhilagam, Chepauk, Chennai - 4.

2.The District Revenue Officer
Cuddalore District, Cuddalore.

3.The Sub-Collector
Chidambaram, Cuddalore District.

4.Samidurai .. Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents 1 & 3 to stall all further proceedings of order dated 01.10.2013 passed in Na.Ka.Vi.3/22105/2013 by the second respondent till the time the appeal i.e., K3/29610/2013 dated 04.11.2013 is disposed of by the First Respondent.

For Petitioner : Mr.S.Pushpakaran

For Respondents : Mrs. Srijayanthi [For R1 to R3]
Special Government Pleader
Mr.P.R.Thiruneelakandan [For R4]

O R D E R

The relief sought for in this Writ Petition is to direct the respondents to stall all further proceedings of order dated 01.10.2013 passed in Na.Ka.Vi.3/22105/2013 by the second respondent till the time the appeal i.e., K3/29610/2013 dated 04.11.2013 is disposed of by the First Respondent.

2.The learned counsel for the Fourth Respondent made a submission that in respect of the claim for cancellation of patta for setting aside the order passed by the Revenue Divisional Officer an appeal bearing Appeal No.K3/29610/2013 dated 04.11.2013 preferred by the Writ Petitioner is now pending

before the First Respondent for adjudication.

3.The learned counsel appearing on behalf of the Writ Petitioners states that the Fourth Respondent filed W.P.No.28699 of 2017 for a direction to direct the 1st Respondent to dispose the appeal in Appeal No.K3/29610/2013 filed by the Second Respondent on the file of the 1st Respondent on merit and in accordance with law, within the stipulated time.

4.Further, the fact remains that the First Respondent is now in the process adjudicating the appeal preferred by the Second Respondent. Thus, the claim of the respective parties shall be adjudicated before the Commissioner of Land Administration and a final order shall be passed on merits and in accordance with law and by affording all reasonable opportunities to the parties concerned.

5.It is brought to the notice of this Court by the learned counsel that hearing was already completed in the appeal and the matter is now posted for orders.

6.This being the factum of the case, the First Respondent-the Additional Chief Secretary /Commissioner Land Administration is directed to consider the case on merits and in accordance with law within a period of twelve(12) weeks from the date of receipt of a copy of this order.

7.Accordingly, the Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

To

The Land Reforms/Commissioner,
Ezhilagam, Chempauk, Chennai - 4.

2.The District Revenue Officer
Cuddalore District, Cuddalore.

3.The Sub-Collector
Chidambaram, Cuddaore District.

+1cc to Mr.S.Pushpakaran, Advocate, S.R.No.56190

W.P. No.26649 of 2014

PVS (CO)
GSP (10/09/2018)



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