

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2018

CORAM

THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.No.2954 of 2018

K.Siva Shanmugam
S/o.Late Krishnasamy

... Petitioner

.vs.

- 1.The District Collector of
Tiruvannamalai
Collector Office
Vengikal
Tiruvannamalai.
2. The District Revenue Officer
Collector Office
Vengikal, Tiruvannamalai.
3. The Revenue Divisional Officer
Tiruvannamalai Taluk
Tiruvannamalai District.
4. The Tahsildar
Kalasapakkam Taluk
Tiruvannamalai District.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to consider the appeal dated 18.05.2017 and to direct the respondent to set aside the proceedings issued by the 3rd respondent dated 30.03.2017 vide No.Pa.Mu.(Aa4)/813/2017 to cancel the Assignment Patta for the property situated at Old Survey No.195/1A/1A/1 and New Survey No.259/1 also direct the respondents not to put up any super structure or compound wall till the pendency of the said appeal.

For Petitioner : Mr.S.Suseeladevi

For Respondents: Mr.B.Anandan
Government Advocate

O R D E R

Mr.B.Anandan, learned Government Advocate takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. Heard both sides.

3. The petitioner was issued with assignment Patta in respect of the subject matter land, as early as in the year 1968. It is stated by the petitioner that he is continuously in possession and enjoyment of the property, by paying house tax to the competent authorities. While, that being so, the grievance of the petitioner is that the said assignment Patta was cancelled by the third respondent on 30.03.2017, without having any valid reasons and that when the petitioner has filed an appeal before the second respondent and the same is pending, the third respondent is trying to put up some construction in the property belonging to the petitioner. Therefore, the present writ petition is filed before this Court, seeking for a direction to the second respondent to dispose of the appeal filed by the petitioner and in the meantime, to prevent the respondents from putting up any construction in the subject matter property.

4. The learned Government Advocate for the respondents submitted that the appeal filed by the petitioner will be disposed of, by the second respondent on merits, within a short time.

5. Considering the above stated facts and circumstances and without expressing any view on the merits of the contentions raised by the petitioner in the above appeal, the second respondent is directed to consider and pass orders on the said appeal on merits and in accordance with law, after hearing the petitioner. The second respondent is also directed to dispose of the said appeal, within a period of eight weeks from the date of receipt of a copy of this order. Till the appeal is disposed of, by the second respondent, the 3rd respondent is directed to maintain status quo as on today in respect of the subject matter property. Accordingly, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-VII)

//True Copy/

Sub Assistant Registrar

mk

To

1.The District Collector of Tiruvannamalai
Collector Office
Vengikal, Tiruvannamalai.

2. The District Revenue Officer
Collector Office
Vengikal, Tiruvannamalai.

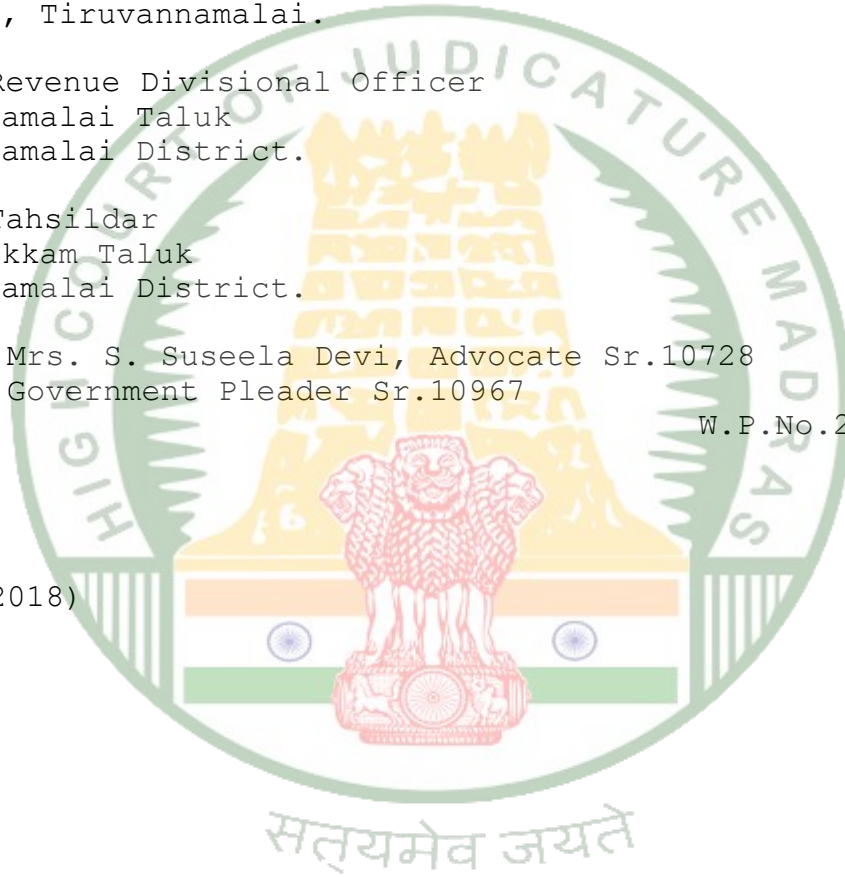
3. The Revenue Divisional Officer
Tiruvannamalai Taluk
Tiruvannamalai District.

4. The Tahsildar
Kalasapakkam Taluk
Tiruvannamalai District.

+ 1 cc to Mrs. S. Suseela Devi, Advocate Sr.10728
+ 1 cc to Government Pleader Sr.10967

W.P.No.2954 of 2018

LRS (CO)
EU(22/02/2018)



WEB COPY