

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2018

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.4926 of 2013
and M.P.No.1 of 2013 & W.M.P.No.21859 of 2016

Amsavalli Selvam ...Petitioner

Versus

1. The Principal Commissioner cum
Land Administration Commissioner,
Chepauk,
Chennai.
2. The District Revenue Officer,
Namakkal District,
Namakkal.
3. Ponnusamy
4. Lakshmi
5. Gopal

... Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, calling for the entire records in respect of the order passed by the District Revenue Officer, Namakkal District dated 14.09.2012 in Na.Ka.No.3540-2012-01 and quash the same consequently direct the 2nd respondent to cancel the patta issued in favour of 3 to 5th respondents in respect of the property in Survey No.109/21A, 21B, 21C, 21F of Pachudayanpatti Village with an extent of 4 acres 27 cents.

For Petitioner : Mr.D.Rajagopal

For Respondents: Mr.V.Shanmugasundar

Special Government Pleader (for RR1 &2)

Mr.R.Thirugnanam (for R5)

No appearance (for RR3 & 4)

O R D E R

This writ petition has been filed by the President, Pachudayampatti Panchayat, Sedhamangalam Panchayat Union, Namakkal Taluk and District, against the order dated 14.09.2012 passed by the District Revenue Officer, Namakkal District.

2. The case of the petitioner is that the land classified as "Communal Poromboke" could not be assigned in favour of the private respondents.

3. Heard Mr.D.Rajagopal, learned counsel appearing for the petitioner, Mr.V.Shanmugasundar, learned Government Advocate appearing for respondents 1 and 2, and Mr.R.Thirugnanam appearing for the 5th respondent.

4. The learned counsel appearing for the petitioner would submit that, aggrieved over the issuance of patta by the second respondent, the petitioner has preferred an appeal before the first respondent and it is still pending. He further submitted that it would suffice if a direction is given to the first respondent to dispose of the appeal within a time frame.

5. The learned Special Government Pleader has submitted that the appeal filed by the petitioner is still pending and the first respondent is ready to pass orders in accordance with law.

6. In the light of the submissions made by the learned counsel on either side, this Court, directs the first respondent to dispose of the appeal, pending if any, on merits after affording due opportunity to all the necessary parties and in accordance with law, within a period of four months from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Principal Commissioner cum
Land Administration Commissioner,
Chepauk,
Chennai.

2. The District Revenue Officer,
Namakkal District,
Namakkal.

+1 CC to The Gov. Pleader sr 21857.

+1 CC to Mr.D. Rajagopal, Advocate sr 21495.

+1 CC to Mr.R. Thirugnanam, Advocate sr 21343.

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and

M.P.No.1 of 2013 & W.M.P.No.21859 of 2016

SP(09/04/2018)



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