

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2018

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.28699 of 2017

P.Samidurai

.. Petitioner

Vs.

1.The Additional Chief Secretary/Commissioner,
Land Administration, Chepauk, Chennai - 4.

2.V. Balu . Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to direct the 1st Respondent to dispose the appeal filed by the 2nd Respondent appeal No. appeal No.K3/29610/2013, on the file of the 1st Respondent on merit and in accordance with law, within the stipulated time.

For Petitioner : Mr.P.R.Thiruneelakandan

For Respondents : Mrs. Srijayanthi
Special Government Pleader [For R1]
Mr.S.Pushpakaran [For R2]

O R D E R

The relief sought for in this Writ Petition is to direct the First Respondent to dispose of the appeal filed by the Second Respondent in Appeal No.K3/29610/2013, which is now pending before the First Respondent.

2.The learned counsel for the Writ Petitioner made a submission that in respect of his 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 Second Respondent is now pending before the First Respondent for adjudication.

3.The learned counsel appearing on behalf of the Second Respondents states that the Second Respondent filed W.P.No.26649

of 2014 for a direction to stall all further proceedings of order dated 01.10.2013 passed in Na.Ka.Vi.3/22105/2013 by the District Revenue Officer, Cuddalore district till the appeal i.e., K3/29610/2013 dated 04.11.2013 is disposed of by the First Respondent.

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 First Respondent 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. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

The Additional Chief Secretary/Commissioner,
Land Administration,
Chepauk, Chennai - 4.

+1cc to the Government Pleader, S.R.No.56126

W.P. No.28699 of 2017

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