

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.PARTHIBAN

W.P.No.11467 of 2012

Mr.Vallabai John

... Petitioner

Vs

1.The Revenue Divisional Officer,
Chinglepet, having office at
Tambaram Taluk Office,
Chennai-45.

2.The Tahsildar,
Sholinganallur Taluk,
Kanchipuram District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the first respondent herein to dispose of the appeal dated 04.02.2009, given by the petitioner within the time frame in accordance with law.

For Petitioner : Mr.M.L.Ganesh

For Respondents : Mr.T.M.Pappiah,
Special Government Pleader

O R D E R

Heard Mr.M.L.Ganesh, learned counsel for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader appearing for the respondents.

2. The petitioner has approached this Court, seeking the following relief,

"To issue a Writ of Mandamus, to direct the first respondent herein to dispose of the appeal dated 04.02.2009, given by the petitioner within the time frame in accordance with law."

3. The case of the petitioner is as follows:-

The petitioner seems to be an absolute owner of the vacant land situated at Plot No.B/295, Sri Balaji Nagar, forming part of No.123, Madipakkam Village, then Saidapet Taluk, Chengai-MGR District, presently Sholinganallur Taluk, Kanchipuram District,

comprised in S.No.133/7, measuring an extent of 2850 Sq.ft. The petitioner continuous to be in uninterrupted possession and enjoyment of the subject property.

4. While so, one Mr.Suresh, also claimed title over the property. According to the petitioner, the second respondent - Tahsildar without conducting any enquiry, has issued patta to the said Mr.Suresh, who has no valid title over the subject property.

5. In the said circumstances, the petitioner filed an appeal on 04.02.2009 to the first respondent. However, the appeal has still not been disposed of and the same is kept pending in the first respondent Office. Therefore, the petitioner is before this Court, seeking issue of Writ of Mandamus.

6. Upon notice, learned Special Government Pleader appearing for the respondents, entered appearance.

7. Since the prayer sought is only for directing the first respondent to dispose of the appeal, for which, learned counsel appearing for the respondents has no valid objection, this Court therefore directs the first respondent to dispose of the appeal submitted by the petitioner on 04.02.2009, against the order passed by the second respondent - Tahsildar, issuing patta to one Mr.Suresh, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

8. The first respondent is also directed to afford all opportunities to the petitioner and also any person lawfully interested in the subject property and pass reasoned orders and communicate the same to the petitioner and other parties concerned.

9. With these directions, the writ petition stands disposed of. No costs.

Sd/-

Deputy Registrar

//True copy//

Sub Assistant Registrar

gsk

To

1.The Revenue Divisional Officer,
Chinglepet, having office at
Tambaram Taluk Office,
Chennai-45.

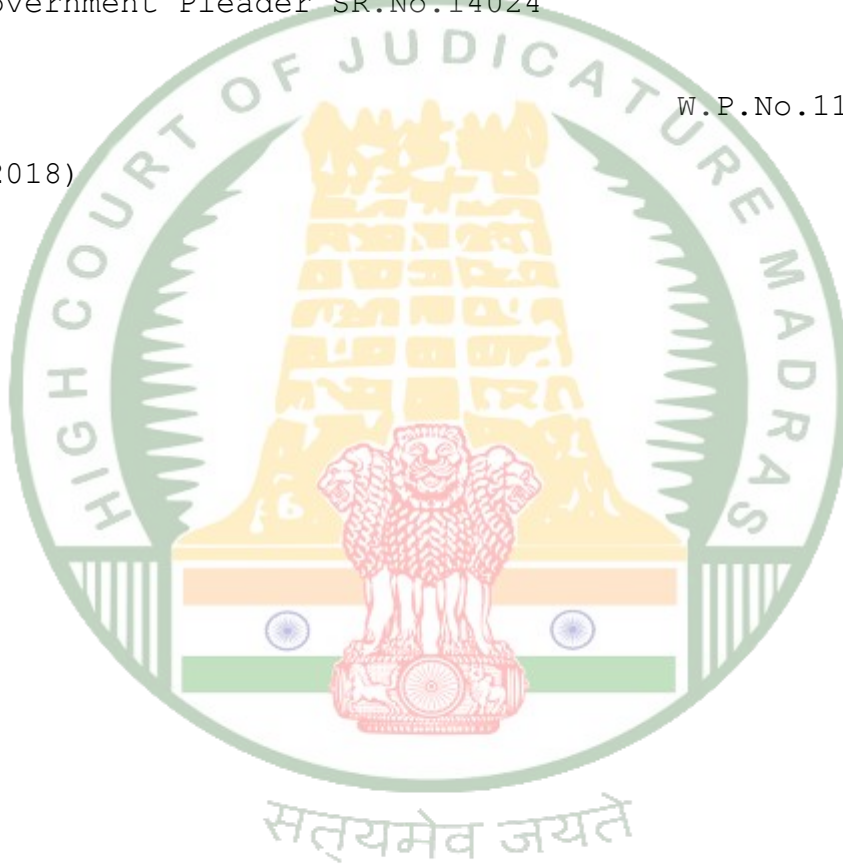
2.The Tahsildar,
Sholinganallur Taluk,
Kanchipuram District.

+1cc to Mr.M.L.Ganesh, Advocate SR.No.13862

+1cc to Government Pleader SR.No.14024

W.P.No.11467 of 2012

GN(20/03/2018)



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