

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2018

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.30457 of 2018

N.Laila

...Petitioner

..Vs..

1.The District Revenue Officer,
Villupuram District,
Villupuram Collectorate Office,
Villupuram.

2.The Revenue Divisional Officer,
Kallakurichi,
Villupuram District.

3.The Revenue Tahsildar,
Kallakurichi Taluk,
Kallakurichi,
Villupuram District.

4.Thyalammal

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to dispose petitioner statutory appeal filed in appeal No.A2/926/2018 within a stipulated time as fixed by this Hon'ble Court after giving opportunity to the petitioner including the fourth respondent.

For Petitioner : Mr.S.Venkatesh

For Respondents : Mr.E.Balamurugan
Special Government Pleader
for R1 to R3

O R D E R

By consent, this Writ Petition is taken up for final disposal at the stage of admission itself.

2. This Writ Petition has been filed seeking for a direction to the first respondent to dispose of the petitioner's statutory appeal filed in appeal No.A2/926/2018 within a stipulated time as fixed by this Court after giving opportunity to the petitioner including the fourth respondent.

3. The case of the petitioner is that he filed an appeal before the first respondent during December 2017 and the same is taken on file during January 2018 and numbered as A2/926/2018. It is further stated that the first respondent directed the second respondent to conduct the enquiry and forward the report to the first respondent for passing appropriate orders, pursuant to which the second respondent conducted the enquiry and vide proceedings dated 15.03.2018 directed the third respondent to conduct a spot inspection and find out the factual position of Survey No.319/17 and report the same to the second respondent, so as to enable him to forward the same to the first respondent, to take a decision on the appeal. But, the third respondent has not taken any steps in this regard. Hence, the petitioner has come forward with this writ petition seeking for the aforesaid relief.

4. Mr.E.Balamurugan, learned Special Government Pleader who accepts notice on behalf of the respondents 1 to 3 would submit that the appeal has been filed before the Assistant Settlement Officer. It is further stated that since the said post is not in existence now, there is no impediment on the part of the first respondent to consider and pass orders on the appeal filed of the petitioner.

5. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the appeal, directs the third respondent to comply with the direction of the second respondent dated 15.03.2018 and on receipt of the report from the third respondent, the second respondent is directed to forward the same to the first respondent, who intturn shall pass orders on the petitioner's appeal No.A2/926/2018, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner, as well as any of the interested parties, within a period of six weeks from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The District Revenue Officer,
Villupuram District,
Villupuram Collectorate Office,
Villupuram.

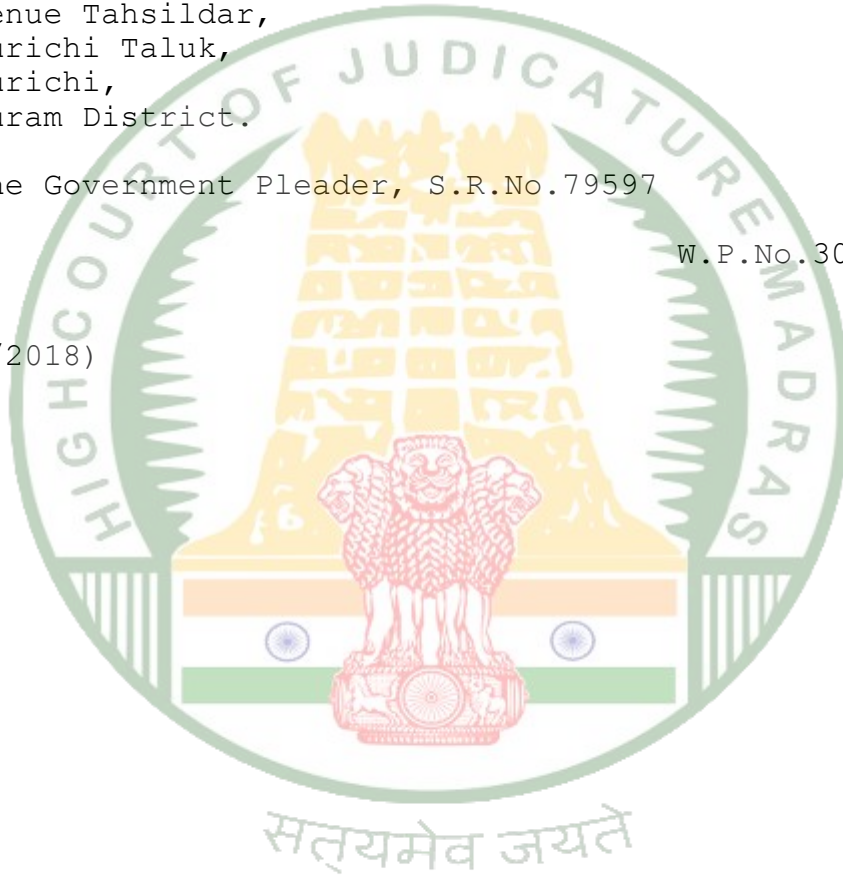
2.The Revenue Divisional Officer,
Kallakurichi,
Villupuram District.

3.The Revenue Tahsildar,
Kallakurichi Taluk,
Kallakurichi,
Villupuram District.

+lcc to the Government Pleader, S.R.No.79597

W.P.No.30457 of 2018

SJ(CO)
GSP(06/12/2018)



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