



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 12.12.2018

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.24427 of 2018

G.Amirthakani

..Petitioner

Vs

The District Revenue Officer,
Madurai,
Madurai District.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent to to dispose of the appeal petition, dated 19.10.2016 filed by the Petitioner under the Patta Pass-Book Act by affording opportunity within the time stipulated by this Court.

For Petitioner : Mr.A.Saravanan

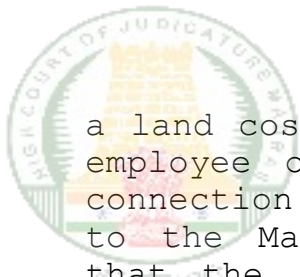
For Respondent : Mrs.J.Padmavathi Devi
Spl. Government Pleader

ORDER

The Petitioner has prayed for issuance of a Writ of Mandamus directing the respondent to to dispose of the appeal petition, dated 19.10.2016 filed by the Petitioner under the Patta Pass-Book Act by affording opportunity within the time stipulated by this Court.

2.Mrs.J.Padmavathi Devi, learned Special Government Pleader takes notice for the respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The Petitioner submits that he seeks only for a limited prayer to direct the respondent to dispose of the appeal petition filed by him. The subject-matter property is enjoyed by his family measuring an extent of 53 cents and by proceedings, dated 20.7.2010 in No.C3/23151/2007, the property has been allotted to the Petitioner and also to other beneficiaries in respect of remaining land and also patta was issued to 41 persons. While so, the revenue authorities have taken steps to remove the encroachment on the basis of an order passed by this Court and the revenue authorities have issued patta to all other beneficiaries free of cost, but insofar as the Petitioner is concerned, the Government has charged



a land cost of Rs.5,23,200/- on the ground that her husband is an employee of BSNL. The Petitioner has also obtained electricity connection and got water supply connection and also paying house-tax to the Madurai Corporation. The petitioner would further submit that the revenue authorities based on some anonymous complaint from third parties, the same was enquired by the Tahsildar, Madurai South and submitted a report to the respondent and based on the report, without any verification or conducting an enquiry, the Revenue Divisional Officer, Madurai has cancelled the patta. Aggrieved by the same, the Petitioner has filed an appeal before the Respondent on 19.10.2016 Even though in the intra-court W.A(MD) No.1131 of 2016 and W.A(MD)No.1578 of 2016 filed by the Petitioner and other beneficiaries, it is observed that the appellate authority is directed to dispose of the appeal as expeditiously as possible, inspite of the same, the respondent has not passed any order in the appeal petition filed by the Petitioner. Hence the Petitioner left with no other option, has approached this Court, by way of filing the present Writ Petition, for the relief stated supra.

4.Hence, this Court without expressing any opinion on the merits of the matter, directs the respondent to consider the appeal petition filed by the Petitioner on 19.10.2016 and pass appropriate orders in accordance with law, after affording an opportunity of hearing to the Petitioner and other interested parties if any, within a period of four months from the date of receipt of a copy of this order.

5.With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar(CS-III)

To

The District Revenue Officer,
Madurai,
Madurai District.

+ 1 CC TO Mr.A.SARAVANAN, ADVOCATE IN SR No. 100144
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 100108

VSN
TE/VR/SAR-3 : 21/12/2018 : 2P/4C