



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.A(MD)No.941 of 2018

S.PR.Palaniappa Chettiar :Appellant/Petitioner

.vs.

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The District Revenue Officer,
Office of District Revenue Officer,
Pudukkottai District,
Pudukkottai.

3.The Tahsildar,
Thirumayam Taluk,
Thirumayam,
Pudukkottai District.

:Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent as against the order passed by this Court in W.P(MD)No.12124 of 2018, dated 07.06.2018.

Prayer in WP(MD). No.12124/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus direct the 2nd respondent to dispose the petitioner's appeal dated 27/09/2017, after affording opportunity to petitioner in person and to produce the relevant documents by following the principle of Audi Altarem Partem within the time frame by this Honourable Court.

For Appellant

:Mr.S.Ramesh

For Respondents

:Mr.K.Mu.Muthu

Additional Govt. Pleader

JUDGMENT

[Judgment of the Court was made by K.RAVICHANDRABAABU,J.]

<https://hcservices.courts.gov.in/hcservices/>
Mr.K.Mu.Muthu, learned Additional Government Pleader takes notice for the respondents.



2.By consent, the main writ appeal itself is taken up for final disposal at the admission stage.

3.The appellant is the writ petitioner. He filed the writ for a direction to the second respondent to dispose of his appeal, dated 27.09.2017, arising out of patta proceedings. The Writ Court disposed the writ petition by issuing a direction to the respondent to dispose of the petitioner's appeal, dated 27.09.2017 on its own merits and in accordance with law, as expeditiously as possible, after giving due opportunity to the petitioner and other interested persons, if any. Now, the present appeal is filed by the writ petitioner himself only aggrieved against the order passed by the Writ Court in not fixing a time limit for disposal of the appeal.

4.Heard both sides.

5.The only grievance of the appellant before us is that the Writ Court ought to have fixed a time limit for disposal of the appeal in stead of issuing a direction to the respondents to dispose the same as expeditiously as possible.

6.The learned Additional Government Pleader appearing for the respondents fairly conceded that a time frame may be fixed by this Court. However, considering the fact that there are several parties in the said appeal, he submitted that the second respondent may require a considerable time.

7.Considering the above stated facts and circumstances and without expressing any view on the claim made by the appellant in respect of the appeal pending before the second respondent, the writ appeal is disposed of by modifying the order of the Writ Court only to the effect that the second respondent shall consider the appeal filed by the petitioner dated 27.09.2017 and pass orders on the same on merits and in accordance with law within a period of six weeks from the date of receipt of copy of this order, after providing an opportunity of hearing to the petitioner and other interested persons, if any. No costs.

Sd/-

Assistant Registrar(CS-II)

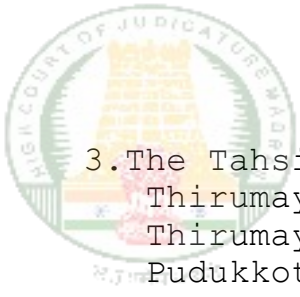
/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The District Revenue Officer,
Office of District Revenue Officer,
Pudukkottai District,
Pudukkottai.



3.The Tahsildar,
Thirumayam Taluk,
Thirumayam,
Pudukkottai District.

+1cc to M/S.V.Raghavachari, Advocate SR.No. 73123
+1cc to Special Government Pleader, SR.No. 72909

JUDGMENT MADE IN
W.A(MD)N.941 of 2018
13.07.2018

vs
JM/PN/SAR 3/26.07.2018/3P/6C