



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 14.11.2018
CORAM

THE HONOURABLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

WEB COPY

W.P (MD) No.22788 of 2018

P. Ramasamy

..Petitioner

Vs

1. The Revenue Divisional Officer,
Periyakulam Taluk,
Periyakulam,
Theni District.

2. The Tahsildar,
Andipatti Taluk,
Andipatti,
Theni District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the second respondent to pass final orders on the enquiry conducted by him in pursuance of the Petitioner's application dated 19.12.2016 in the light of the order dated 28.12.2016 passed by the first respondent within the time frame fixed by this Court.

For Petitioner : Mr. B. Prahalad Ravi

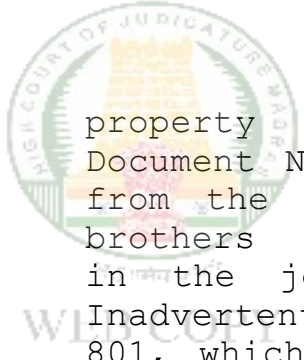
For Respondents: Mrs. J. Padmavathi Devi
Special Govt. Pleader

ORDER

The Petitioner has prayed for issuance of a Writ of Mandamus directing the second respondent to pass final orders on the enquiry conducted by him in pursuance of the Petitioner's application, dated 19.12.2016 in the light of the order, dated 28.12.2016 passed by the first respondent within the time frame fixed by this Court.

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

3. The case of the Petitioner is that the land comprised in S.No. 22788 of 2018, measuring an extent of 45 cents is situated at Balakombai Village, Andipatti Taluk, Theni District. The said



property was purchased by his father in the year 1973 in Document No.1879. There is a well attached to the said property from the date of purchase. The said property devolved on his brothers and the family members. They have included their names in the joint patta in Patta No.693 along with Co-sharers. Inadvertently, the said well was not included in Patta Number 801, which relates to the well attached to the said land. Hence they sent a representation to the authorities on 19.12.2016 and on receipt of the said representation, the first respondent forwarded the same to the second respondent on 28.12.2016 for appropriate action. The second respondent has conducted enquiry on various dates and the parties were enquired. But till date, the second respondent is not in a position to pass any orders in the above said enquiry and the Petitioner has been making representations to the second respondent on many occasions, but all ended in vein. Hence the Petitioner seeks interference of this Court to direct the respondent concerned to pass final orders on the enquiry already conducted.

4.The concerned authority/second respondent, if he still holds the said post, he is directed to pass final orders based on the enquiry already conducted by him, within a period of four weeks from the date of receipt of a copy of this order, or otherwise, if the officer concerned /second respondent has been transferred to some other place, the authority who is now holding the post of the second respondent is directed to commence the enquiry afresh, giving an opportunity of hearing to the Petitioner and other interested parties, if any within a period of 12 weeks and decide the matter in issue, in accordance with Law, within a period of eight weeks thereafter.

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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS-I)

To

1.The Revenue Divisional Officer,
Periyakulam Taluk,
Periyakulam,
Theni District.



2.The Tahsildar,
Andipatti Taluk,
Andipatti,
Theni District.

WEB COPY

+ 1 CC TO SPECIAL GOVERNMENT PLEADER, IN SR NO.95387

VSN

BU/SKN/SAR-1 :22.11.2018 : 3P/4C

W.P (MD) No.22778 of 2018
14.11.2018