



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2018

CORAM:

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THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P. (MD).23245 of 2018

A.Thandapani

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Collector Office Campus,
Dindigul.

2.The Tahsildar,
Athur Taluk,
Dindigul District.

..Respondents

PRAYER: This Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus, to direct the 1st respondent to dispose of the petitioner's appeal in Na.Ka.No.9640/2017/Aa 4 and pass appropriate orders to grant patta to my land situated in S.No.128/2A-1 at Kizhakottai Village, Athur Taluk, Dindigul District as prescribed by this Court.

For Petitioner : Mr.A.Chandrakumar
For Respondents : Mr.S.Dhayalan
Government Advocate

O R D E R

This writ petition has been filed seeking issuance of writ of Mandamus to the first respondent to dispose of the petitioner's appeal in Na.Ka.No.9640/2017/Aa 4 and pass orders to grant patta to the petitioner's land situated in S.No.128/2A-1 at Kizhakottai Village, Athur Taluk, Dindigul District.

2.The learned counsel for the petitioner submits that the petitioner purchased the above said land on 18.09.2015 by a registered document, registered at Sub-Registrar Office, Chinnalapatti, Dindigul District. The said document was kept pending by the Sub-Registrar Office for value the registration fees under 47-A of the Registration Act. In the meanwhile, the petitioner submitted an application before the second respondent requesting to survey the land and to issue patta in his favour. Accordingly, the second respondent has visited the petitioner's land and also issued a certificate to that effect.



3.While so, the second respondent demanded the petitioner to submit the original registered sale deed for issuance of patta. Since it was kept pending under the custody of the Sub-Registrar, Chinnalapatti, the petitioner was not able to produce the same within the time prescribed by the second respondent. Though he represented the same to the second respondent, without considering his plea, the second respondent has returned the application of the petitioner and refused to grant patta.

4.Immediately after the rejection of the said application, the petitioner approached the first respondent and file his appeal on 26.09.2017 along with all necessary documents and the same was numbered as Na.Ka.No.9640/2017/Aa4. Summons was also issued by the first respondent to all the necessary parties including the petitioner on 04.11.2017 directing the parties to appear on 17.11.2017. Though the parties were appeared, the enquiry was not conducted and the matter was adjourned. The petitioner was frequently approaching the respondents to dispose of the said appeal.

5.Again on 06.08.2018, the first respondent issued another summon for enquiry and directed the parties to appear on 10.08.2018 at 03.00 p.m.. Even on the said date also, the appeal was adjourned. Till date no order has been passed in the said appeal by the respondents herein. The petitioner is unable to produce the registered sale deed only for the reason that the sale deed is pending with the Sub-Registrar, Chinnalapatti to value the registration fees and nothing else. Pendency of the appeal before the first respondent is causing great hardship to the petitioner herein and hence, seeking indulgence of this Court, he has filed the present writ petition.

6.Heard the learned counsel on either side and perused the materials placed on record.

7.In view of the above facts and circumstances of the case, this Court is of the view that since the appeal of the petitioner is pending with the first respondent for more than one year, the first respondent ought to have consider the same by conducting enquiry and pass necessary orders within a reasonable time.

8.Since no enquiry is conducted and the matter is simply adjourning without any orders, the Revenue Divisional Officer is directed to conduct enquiry on the appeal filed by the petitioner and dispose of the same after issuing notice to the parties concerned, within a period of eight weeks from the date of receipt of a copy of this order.



9. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (AD-I)

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/True Copy/

Sub Assistant Registrar (CS-III)

To

1. The Revenue Divisional Officer,
Revenue Divisional Office,
Collector Office Campus, Dindigul.

2. The Tahsildar,
Athur Taluk,
Dindigul District.

+1cc to Mr. A. Chandrakumar Advocate in SR.No.96721
+1cc to Special Government Pleader, SR.No.96774

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