

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.01.2019

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.949 of 2019
and WMP No.1055 of 2019

C.M.Balasubramanian

.. Petitioner

Vs.

1. The District Revenue Officer,
Kancheepuram, Kancheepuram District.
2. The Revenue Divisional Officer,
Kancheepuram, Kancheepuram District.
3. The Tahsildar,
Walajabad Taluk, Walajabad,
Kancheepuram District.
4. The Sub Registrar,
Registration Department
Walajabad Taluk, Walajabad,
Kancheepuram District.
5. S.P.Thandavarayan
6. Shanmugam
7. R.Gopal
8. E.Lingappan
9. S.Kathirvel
10. A.Suresh

.. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to issue suitable orders to the fourth respondent not to register any deeds in respect of the land situated in S.No.1/2 to the extent of 5.66 acres, Seeyamangalam, Thimmarajampettai Village, Walajabad Taluk, Kancheepuram District, pending disposal of the Statutory Appeal filed by the petitioner on 24.10.2018 before the first respondent.

For Petitioner : Mr.C.Prakasam
For Respondents-1 to 4 : Mr.V.Shanmugasundar
Special Government Pleader

O R D E R

By consent of both parties, the Writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner has come up with this writ petition seeking for Writ of Mandamus, directing the first respondent to issue suitable orders to the fourth respondent not to register any deeds in respect of the land situated in S.No.1/2 to the extent of 5.66 acres, Seeyamangalam, Thimmarajampettai Village, Walajabad Taluk, Kancheepuram District, pending disposal of the Statutory Appeal filed by the petitioner on 24.10.2018 before the first respondent.

3. In the affidavit filed in support of this Writ Petition, the petitioner has averred that the land situate in Survey No.1/2 to the extent of 5.66 acres, Seeyamangalam, Thimmarajampettai Village, Walajabad Taluk, Kancheepuram District was originally belonging to Sengunthar Samudhayam, and a dispute arose between the Samudhayam people, resulting in filing of the Original Suit on the file of the District Munsif, Kancheepuram in OS No.345 of 1965. The suit was decreed with the direction that the land should be divided on the basis of the looms and subsequently the patta was mutated in the name of 17 persons bearing Patta No.100.

4. The Zonal Deputy Tahsildar, Walajabad issued patta to the respondents 5 to 10, even though they did not possess necessary documents. The same resulted in filing of an appeal before the second respondent by the petitioner and 12 others. As the appeal was not disposed of, the petitioner approach this Court by way of Writ Petition in WP No.5489 of 2018. This court disposed of the Writ Petition directing the second respondent to pass orders on the appeal within a period of 12 weeks on the date of receipt of a copy of the order. As the second respondent did not pass any order even thereafter, the petitioner filed a Contempt Petition in C.P. No.2086 of 2018. When the Contempt Petition was pending, the second respondent produced a copy of the proceedings dated 12.09.2018, in compliance of the order passed in Writ Petition. Now challenging the order dated 12.09.2018, the petitioner has filed a Statutory Appeal before the first respondent on 24.10.2018. Despite passing off many months, the first respondent has not passed any order on the Statutory Appeal. Therefore the petitioner has come forward with this Writ Petition seeking for a direction to the first respondent to dispose of the Statutory Appeal at the earliest.

5. Heard Mr.V.Shanmugasundar, learned Special Government Pleader appearing on behalf of the respondents 1 to 4, who has no objection for issuing a Mandamus to the first respondent to dispose of the appeal.

6. 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 Statutory Appeal, directs the first respondent to pass appropriate orders on the Appeal filed by the petitioner on 24.10.2018 on merits and in accordance with law, after issuing notice and also affording due opportunity of hearing to the petitioner, respondents 5 to 10 herein as well as any of the interested parties, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above directions, this writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

jv

Sub Assistant Registrar

To

1. The District Revenue Officer,
Kancheepuram, Kancheepuram District.
2. The Revenue Divisional Officer,
Kancheepuram, Kancheepuram District.
3. The Tahsildar,
Walajabad Taluk, Walajabad,
Kancheepuram District.
4. The Sub Registrar,
Registration Department
Walajabad Taluk, Walajabad,
Kancheepuram District.

+1 cc to Mr.C.Prakasam, Advocate, S.R.No.3218
+1 cc to the Government Pleader, S.R.No.3291

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SSD(CO)
SSM(13/02/2019)