

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.1737 of 2019

Murugesh

.. Petitioner

Vs.

1. The District Collector,
Krishangiri District, Krishnagiri.

2. The District Revenue Officer,
Krishnagiri District, Krishnagiri.

3. The Sub Collector,
Hosur, Krishnagiri District.

4. The Revenue Divisional Officer,
Hosur, Krishnagiri District.

.. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to dispose of the petitioner's appeal dated 29.09.2018.

For Petitioner : Mr.R.Jayaprakash

For Respondents : Mr.E.Balamurugan
Special Government Pleader.

ORDER

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 a direction to the second respondent to dispose of his appeal dated 29.09.2018.

3. According to the learned counsel for the petitioner, the petitioner has purchased the property in Survey No.481/1, measuring to an extent of 4.31.00 hectares, 10 acres 64 1/2 cents, situated at Nagamangalam Village, Denkanikiottai Taluk, Krishnagiri District from one Lakshamma, by a registered Sale Deed dated 29.06.2017 vide Document No.974 of 2017. Thereafter, the petitioner had applied for change of patta from Lakshamma's name to his name and the same has been considered by the Tahsildar and the Village Administrative Officer by scrutinising all the documents on record and after a detailed enquiry, the patta has been transferred to his name by the Tahsildar, Denkanikootai Taluk vide his proceedings in

T.R.No.2017/0103/31/037792TR dated 15.07.2017.

4. Further, the petitioner had obtained crop loan and term loan for the purpose of developing his agricultural activities by mortgaging the above said property as a security with the HDFC Bank Ltd on 06.09.2017. At this juncture, the fourth respondent has issued a summons vide his proceedings in Na.Ka.No.2144/2018/B3 dated 20.07.2018 directing the petitioner to appear before him on 27.07.2018 in the Sub Collector's Office in regard to the illegal patta transfer by the said Lakshamma. It is stated by the petitioner that the fourth respondent himself has issued the said summons, without receipt of any complaint. Hence, the petitioner has filed a Writ Petition in W.P.No.20882 of 2018 to call for the records pertaining to the proceedings of the second respondent and to quash the same. This Court, by an order dated 14.08.2018, while disposing of the said Writ Petition, directed the petitioner to appear before the second respondent and produce all the material documents so as to complete the enquiry which is sought to be conducted on the basis of the complaint preferred, claiming illegal transfer of patta. Pursuant to the same, the patta standing in the name of the petitioner was cancelled by the fourth respondent, vide his proceedings in Pa.Mu.No.2144/2018/B3 dated 24.08.2018. Aggrieved by the same, the petitioner filed an appeal before the respondents on 29.09.2018 seeking for proper investigation and quashing of the order passed by the fourth respondent, which is kept pending before the second respondent. Since the same is yet to be disposed of by the second respondent, the petitioner has filed this Writ Petition.

5. Heard Mr.E.Balamurugan, learned Special Government Pleader on behalf of the respondents.

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 case, directs the second respondent to dispose of the appeal dated 29.09.2018 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and the persons interested in this regard and also affording them an opportunity of personal hearing, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

srn

To

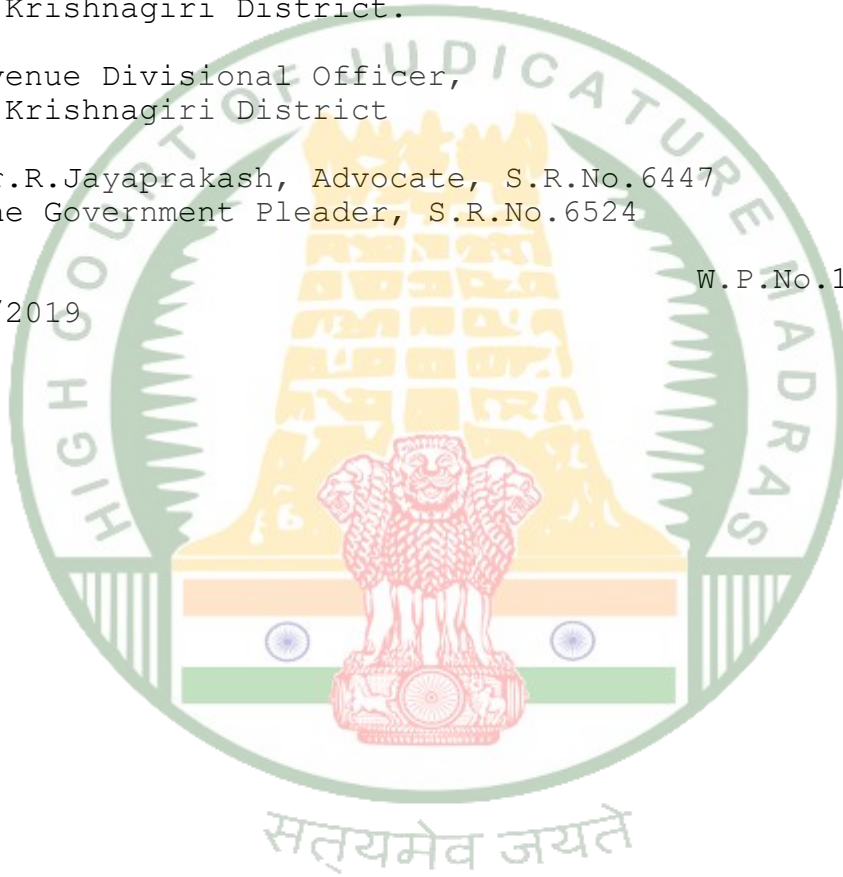
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Hosur, Krishnagiri District

+1cc to Mr.R.Jayaprakash, Advocate, S.R.No.6447

+1cc to the Government Pleader, S.R.No.6524

W.P.No.1737 of 2019

rrs 11/02/2019



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