

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2019

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.27360 of 2017
and WMP.No. 29247 of 2017

Mr.G.Joseph Maria Chandran

.. Petitioner

-vs-

1. The Revenue Divisional Officer,
Perambalur,
Perambalur Taluk & District.

2. The Tasildhar,
Perambalur,
Perambalur Taluk & District.

3. Mr.Ganesan

4. Mr. N. Sivalingam

.. Respondents

Petition under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the 1st respondent to pass orders on appeal filed by the petitioner dated 07.07.2017 and cancel the Joint Patta issued in favour of 3rd and 4th respondent by the 2nd respondent with respect to the property situate at Survey No.41/1 of Thuraimangalam Village, Perambalur Taluk, measuring an extent of 0.42.5 Hectare i.e., 1.05 acres by conducting enquiry under the Patta Pass Book Act.

For Petitioner : Mr.M.MD.Ibrahim Ali

For Respondents : Ms.Sri Jayanthi

Special Government Pleader [R1& R2]

M/s. Sabapathi Manonmani for
Mr.V.Raghavachari [R3& R4]

ORDER

Heard Mr.M.MD.Ibrahim Ali, learned counsel for the petitioner, Ms.Sri Jayanthi, Special Government Pleader for respondents 1 and 2 and Mr.V.Raghav Achari, learned counsel for respondents 3 and 4.

2. With consent of learned counsel on either side, the writ petition itself is taken up for final disposal.

3. This writ petition has been filed to direct the first respondent to pass orders on the appeal petition filed before the first respondent dated 07.07.2017 and for certain consequential direction. The consequential relief sought for by the petitioner cannot be granted. However, if a statutory appeal has been filed there is a duty cast upon the first respondent to dispose of the same. The respondents 3 and 4 are the joint pattadhars in whose favour patta has been granted by the Thasildar, Perambalur.

4. The learned counsel for respondents 3 and 4 submits that the respondents 3 and 4 should be permitted to file counter affidavit. This request cannot be entertained by this Court at this juncture because, the respondents 3 and 4 have been served notice in the writ petition and they have entered appearance through counsel as early as on 21.12.2017. Therefore, the request for adjournment to file counter is rejected. The learned Special Government Pleader, who is appearing for official respondents 1 and 2 also does not have any written instructions from the authorities as to whether any appeal is pending and if it is still pending, why it has not been disposed of. Thus, no useful purpose would not be served by keeping the writ petition pending any longer.

5. In the light of the above, the writ petition is disposed of by directing the first respondent to consider the appeal petition filed by the petitioner after notice to the respondents 3 and 4 and pass orders on merits and in accordance with law as expeditiously as possible within a period of three (3) months from the date of receipt of a copy of this order, if the same has not been already disposed of. It is made clear that this order needs to be implemented only when the appeal petition is

found to be maintainable in law. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

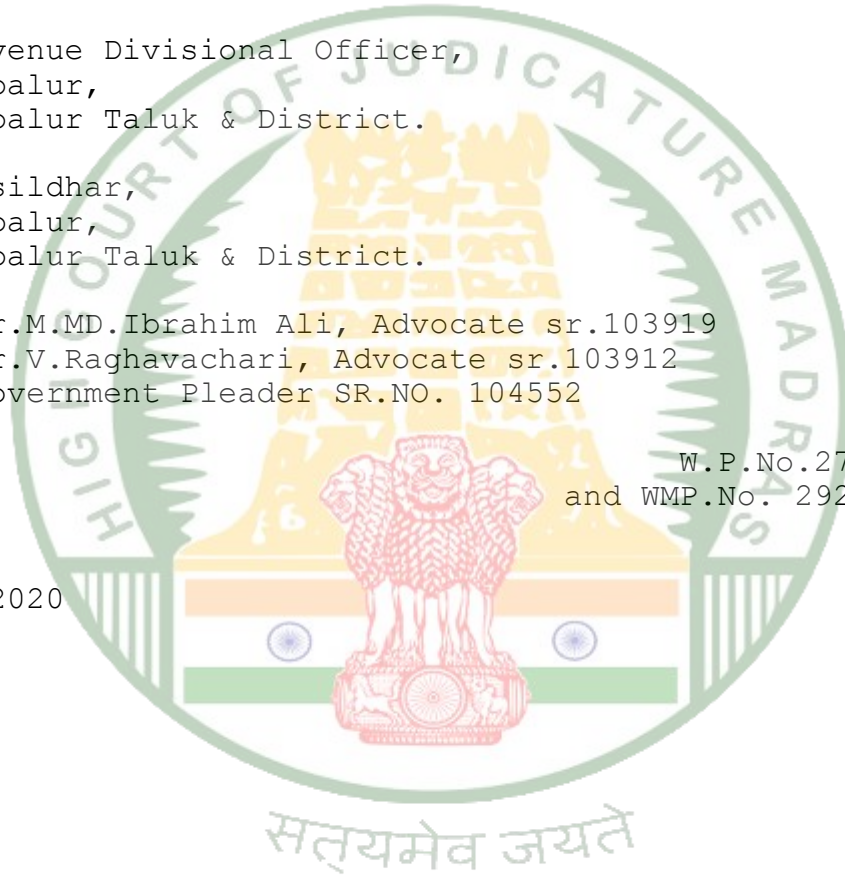
To

1. The Revenue Divisional Officer,
Perambalur,
Perambalur Taluk & District.
2. The Tasildhar,
Perambalur,
Perambalur Taluk & District.

+1cc to Mr.M.MD.Ibrahim Ali, Advocate sr.103919
+1cc to Mr.V.Raghavachari, Advocate sr.103912
+1cc to Government Pleader SR.NO. 104552

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nmi(co)
nr 28/01/2020



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