



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.06.2019**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMARW.P.(MD)No13040 of 2019

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KOR.Senthamarai Kannan

...Petitioner

-Vs-

1.The District Revenue Officer,
District Collector Office Campus,
Ramanathapuram.

2.Mayilmani Pandian

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to dispose the review petition in Ref.No.நக.பி5/46206/2008 on the file of the first respondent within time from manner.

For Petitioner : Mr.K.Kumaravel

For Respondents : Mr.Kannidevan (for R1)
Additional Government Pleader**ORDER**

The prayer in this writ petition is for a Writ of Mandamus, to direct the first respondent to dispose the review petition in Ref.No.நக.பி5/46206/2008 on the file of the first respondent within a time frame.

2.Heard Mr.K.Kumaravel, learned counsel appearing for the petitioner and Mr.Kannidevan, learned Additional Government Pleader, appearing for the first respondent. Though notice has been served and the name of the second respondent is printed in the cause list, no one is appearing for the second respondent.

3.As against the order passed by the Revenue Divisional Officer, Paramakudi, with regard to the patta of the petitioner's land as claimed by the petitioner, he has filed the review before the first respondent on 07.12.2018 and the same has been kept pending so far and no orders has been passed thereon. Therefore, the petitioner is before this Court.

4.I have heard Mr.Kannidevan, learned Additional Government Pleader appearing for the first respondent, who would submit that, several times enquiry notice has been issued to the parties i.e., the petitioner and the second respondent to appear and last such notice issued directing the parties to appear on 14.06.2019. Though notice has been served on them, both the petitioner as well as the

rival claimant/second respondent did not turn up. Therefore, enquiry could not be completed. Hence, the review is still pending with the first respondent.

5. In view of the said submission made by the learned Additional Government Pleader, the learned counsel for the petitioner submits that if next time notice is given, the petitioner will appear before the first respondent without fail and based on which, let the issue be decided.

6. I have considered the said submissions made by both sides and in view of the aforesaid submissions, this Court is inclined to dispose the writ petition with the following directions:-

"(i) that the first respondent shall issue a final notice of enquiry to both parties i.e., the petitioner as well as the second respondent, immediately and on receipt of such notice, let the second respondent as well as the petitioner appear on the date fixed by the first respondent for enquiry, where they can project the case. Based on the enquiry, if it is completed on that day or if any further enquiry required, further notice can also be given and after, complete the enquiry at any rate within a period of six weeks from the date of receipt of a copy of this order, the review petition dated 07.12.2018 of the petitioner shall be decided and disposed of on merits and in accordance with law.

(ii) It is made clear that despite the final notice as directed above served on the parties and if any one of them or both of them did not turn up, the first respondent shall proceed to complete the enquiry and pass orders on merits based on the available records. "

No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS-I)

To

1. The District Revenue Officer,
District Collector Office Campus,
Ramanathapuram.

+1 CC to SPL GP SR-71138.

+1 CC to Mr.K.KUMARAVEL, Advocate SR-71220.