

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 25.04.2019

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE**W.P. (MD) .No.5770 of 2019**

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A.Mohanraj ... Petitioner
-vs-

1.The Revenue Divisional Officer,
O/o. the Revenue Divisional Office,
Ramnagar, Devakottai, Sivagangai District.

2.A.Thirukumaran ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondent No.1 to complete the enquiry proceeding dated 13.10.2017 in Na.Ka.No. A3/986/2016 by considering the petitioners representation dated 19.02.2019.

For Petitioner : Mr.T.Thirumurugan

For R-1 : Mrs.VPM.Vaishavi

Additional Government Pleader

For R-2 : Mr.D.Venkatesh

O R D E R

The instant writ petition has been filed for a Mandamus to direct the first respondent to complete the enquiry proceedings dated 13.10.2017 in Na.Ka.No.A3/986/2016, by considering the petitioner's representation dated 19.02.2019.

2. It is the case of the petitioner that he is the absolute owner of the property, measuring an extent of 1 Acre 92 Cents in Survey No.517/5 at Maruthangudi Village in Sivagangai District.

3. According to the petitioner, the second respondent has given a false complaint before the first respondent, that the petitioner is not the absolute owner of the property and not entitled for patta Pursuant to the said complaint, proceedings have been initiated by the first respondent in Na.Ka.No.A3/986/2016, in the year 2016, for cancellation of patta.

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4. According to the petitioner, the last date of the hearing in the enquiry proceedings pending before the first respondent was on



12.11.2017 and thereafter, no date was fixed for enquiry by the first respondent. Further, according to the petitioner, the second respondent has attempted to disturb the peaceful possession and enjoyment of the property of the petitioner. In such circumstances, the Writ Petition has been filed.

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5. Heard Mr.T.Thirumurugan, learned counsel appearing for the petitioner, Mrs.VPM.Vaishnavi, learned Additional Government Pleader appearing for the first respondent and Mr.D.Venkatesh, learned counsel appearing for the second respondent.

6. Admittedly, the proceedings are pending before the first respondent for cancellation of patta, which was earlier issued in favour of the petitioner.

7. It is the case of the petitioner that he is the absolute owner of the afore-mentioned property, whereas, it is the case of the second respondent, who was the Village Panchayat Vice President that the petitioner is not entitled for patta.

8. The proceedings were initiated in the year 2016 itself, but, till date, it has not been terminated by passing a final order. This being the case, this Court is of the considered view that the enquiry proceedings dated 13.10.2017, pending before the first respondent in Na.Ka.No.A3/986/2016, will have to be completed in a time bound manner only then effective justice can be rendered to the parties viz., the petitioner as well as the second respondent. It is for the first respondent to decide as to whether there was a proper assignment in favour of the petitioner or not and if proper assignment was not done whether the patta can be cancelled. No useful purpose will be served by keeping this Writ Petition pending even though counter has not been filed by the respondent.

9. In the result, the first respondent is directed to proceed with the pending enquiry proceedings dated 13.10.2017 in Na.Ka.No.A3/986/2016, by considering the petitioner's representation dated 19.02.2019 as well as the second respondent's representation, if any and pass final orders within a period of four weeks from the date of receipt of a copy of this order.

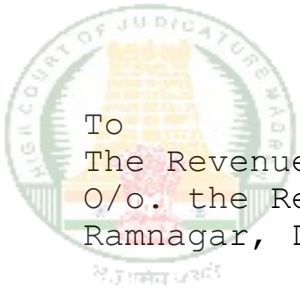
10. With the aforesaid direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

Sub Assistant Registrar(CS)



To
The Revenue Divisional Officer,
O/o. the Revenue Divisional Office,
Ramnagar, Devakottai, Sivagangai District.

+1cc to Mr.D.Venkatesh, Advocate, SR.No. 63455
+1cc to Mr.T.Thirumurugan, Advocate, SR.No.63557
+1cc to M/s.Special Government Pleader,SR.No. 62880,62989

Order made in
W.P. (MD) .No.5770 of 2019
25.04.2019

TSG
KK/SAR/10.05.2019/ 3P- 5C