



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2019

CORAM:

THE HONOURABLE Mr.JUSTICE R.SURESH KUMAR

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W.P. (MD) No.14377 of 2019
and
W.M.P. (MD) No.10799 of 2019

R.Ramachandran

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Office of the District Collector,
Trichy 620 001.

2.The Tahsildar,
Trichy East Taluk Office,
Town Hall,
Trichy 620 001.

3.Pappathi

4.Kaliyamoorthi

... Respondents

Prayer: The petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to cancel the patta issued arbitrary in favour of the 3rd respondent and consequently, directing the 2nd respondent to issue patta in favour of the petitioner who is the absolute owner of the subject property.

For Petitioner	: Mr.M.Dinesh hari Sudarsan
For Respondents	: Mr.C.M.Mari Chelliah Prabhu, AGP for R1 and R2 Mr.C.Vakeswaran for R3 and R4

O R D E R

The prayer in the Writ petition is for a Writ of Mandamus, directing the 1st respondent to cancel the patta issued arbitrarily in favour of the 3rd respondent and consequently, directing the 2nd respondent to issue patta in favour of the petitioner who is the absolute owner of the subject property.

2.Though such a prayer has been sought for by the petitioner, the learned counsel appearing for the petitioner would submit that, the petitioner would confine with the prayer that if the appeal filed by the petitioner to the first respondent on 22.05.2019 as



against the patta issued by the 2nd respondent Tahsildar, in favour of the 3rd respondent, is decided on merits and in accordance with law after hearing the parties concerned, within a time frame, the petitioner would be satisfied.

WEB COPY

3.I have heard Mr.C.M.Mari Chelliah Prabhu, learned Additional Government Pleader appearing for the respondents 1 and 2, who would submit that, the first respondent before whom the appeal of the petitioner dated 22.05.2019, is pending and therefore, the first respondent may be directed to decide the same on merits, within a time frame after hearing both parties.

4.The learned counsel for the respondents 3 and 4 would submit that, if at all the petitioner has got any grievance over the patta issued in favour of the third respondent, and based on which, he filed an application or appeal to the first respondent, the same can be decided by the first respondent being an Appellate Authority of course after giving an opportunity of hearing to the respondents 3 and 4.

5.The said submissions made by the learned counsel appearing for the parties are taken note of and having regard to the same, this Court is inclined to dispose of this Writ petition with the following directions:

That the first respondent is hereby directed to consider the application / appeal dated 22.05.2019 made by the petitioner as against the patta issued by the 2nd respondent in favour of the third respondent, and while considering the said appeal filed by the petitioner, the first respondent shall issue notice to both the petitioner as well as the respondents 3 and 4 by giving separate notice indicating the date of hearing and on the date of hearing, it is open to the parties to appear before the first respondent and make their respective cases by filing necessary documents, where what are all submissions to be made by both parties, can be considered and decided on merits by the first respondent in accordance with law and ultimately final order shall be passed, within a period of 8 weeks from the date of receipt of a copy of this order.

6.With this direction, this Writ petition is disposed of. No costs. Consequently, connected W.M.P.is closed.

Sd/-

Assistant Registrar(CO)

/TRUE COPY/

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar



To

1. The Revenue Divisional Officer,
Office of the District Collector,
Trichy 620 001.

2. The Tahsildar,
Trichy East Taluk Office,
Town Hall,
Trichy 620 001.

+1 CC to M/s.C.VAKEESWARAN, Advocate (SR-75392[F] dated
16/07/2019)

+1 CC to M/s.M.DINESH HARI SUDARSAN, Advocate (SR-75319[F] dated
15/07/2019)

+1 CC to M/s.SPL GP (SR-75402[F] dated 16/07/2019)

W.P. (MD) No.14377 of 2019
15.07.2019

nbj

JM/29.08.2019/3P/6C