

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

DATED: 18.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR**W.P. (MD) No.3640 of 2019**

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N.A.Yagnarajan

... Petitioner

vs.

1) The Revenue Divisional Officer,
Madurai South, Othakadai,
Madurai 625 107.

2) The Special Tahsildar,
Madurai North, Othakadai,
Madurai District.

3) M.Malaisamy @ Manthaiyan

4) M.Muniyammal

5) B.Nallammal

... Respondents

** RR 3 to 5 are impleaded vide Court order dated 25.03.2019 in W.M.P. (MD) No.3336 of 2019.*

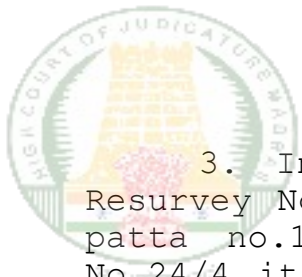
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 1st respondent to consider the petitioner's representation dated 16.11.2018 and to cancel the fraudulent patta issued by the 2nd respondent within a stipulated time to be fixed by this Court.

For Petitioner	: Mr.T.R.Subramanian
For RR 1 & 2	: Mr.M.Rajarajan, Government Advocate
For RR 3 to 5	: Mr.R.Sunder Srinivasan

O R D E R

The prayer sought for in this Writ Petition is for a Writ of Mandamus to direct the 1st respondent to consider the petitioner's representation dated 16.11.2018 and to cancel the fraudulent patta issued by the 2nd respondent.

2. Heard Mr.T.R.Subramanian, learned counsel for the petitioner, Mr.Rajarajan, learned Government Advocate appearing for the official respondents 1 & 2 and Mr.R.Sunder Srinivasan, learned counsel appearing for the private respondents 3 to 5.



3. In respect of the land at UDR Survey No.24 in Natham Resurvey No.195 Narasingam, 4th Bit Village, North Taluk Madurai in patta no.177 in survey no.24/3, land Tax patta No.175, Survey No.24/4 it seems that the patta has been issued by the Tahsildhar (i.e.) the second respondent. Aggrieved over the same, the petitioner preferred an appeal to the first respondent on 16.11.2018 and the said appeal is still pending before the first respondent and therefore, the learned counsel appearing for the petitioner submits that if the said appeal is decided by the first respondent on merits and in accordance with law within a time frame to be stipulated by this Court, the petitioner would be satisfied.

4. Mr.M.Rajarajan, learned Government Advocate appearing for the official respondents 1 & 2 would submit that, the said appeal/representation filed by the petitioner dated 16.11.2018, pending before the first respondent, would be decided on merits within a time frame.

5. However, Mr.R.Sunder Srinivasan, learned counsel appearing for the private respondents 3 to 5 would submit that, after long years, the said issue has been raised and therefore, the prayer sought for by the petitioner cannot be granted by this Court.

6. Though the petitioner had so many other grievances for which he has preferred the present appeal before the Revenue Divisional Officer, all that the learned counsel appearing for the petitioner wants before this Court is to issue a Mandamus to the first respondent to decide the appeal/ representation dated 16.11.2018 on merits, of course after hearing both the petitioner as well as the contesting respondents.

7. When that being the position, the apprehension raised or the objection made by the learned counsel for the private respondents 3 to 5 cannot be countenanced and in that view of the matter, this Court is inclined to dispose of the writ petition with the following direction:

"that the first respondent is hereby directed to consider the representation/ appeal filed by the petitioner dated 16.11.2018 and decide the same on merits and in accordance with law within a period of eight (08) weeks from the date of receipt of a copy of this order. While considering the said appeal/ representation, it is needless to mention that the first respondent shall hear the parties after giving separate notices to the petitioner as well as the private respondents and accordingly pass final orders as indicated above."



8. With these directions, the Writ Petition is disposed of. However, there shall be no order as to costs.

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// True Copy //

Sd/-

Assistant Registrar (AD-II)

Sub Assistant Registrar (CS)

To

1) The Revenue Divisional Officer,
Madurai South, Othakadai,
Madurai 625 107.

2) The Special Tahsildar,
Madurai North, Othakadai,
Madurai District.

+1 CC to Mr.R.SUNDAR SRINIVASAN, Advocate (SR-76208[F] dated
19/07/2019)

+1 CC to Mr.T.R.SUBRAMANIAN, Advocate (SR-76116[F] dated
18/07/2019)

+1 CC to Mr.M.NEETHIRAJAN, Advocate (SR-76724[F] dated 22/07/2019)

Order made in
W.P. (MD) No.3640 of 2019
18.07.2019

STS

MK (06.09.2019) 3P 6C