

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 19.07.2019****CORAM****THE HON'BLE MR.JUSTICE R.SURESH KUMAR****W.P.(MD)No.16015 of 2019**

Mayan

... Petitioner

-Vs-

- 1.The District Revenue Officer,
Madurai, Madurai District.
- 2.The Revenue Divisional Officer,
Madurai, Madurai District.
- 3.The Tahsildar,
Vadipatti Taluk,
Madurai District.
- 4.Kuppalagan
- 5.Bose Nadar
- 6.Lakshmanan
- 7.Rajangam
- 8.Panchavarnam
- 9.Pandi
- 10.Mokkachamy

... Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the 1st respondent to consider and pass orders on the petitioner's appeal dated 10.04.2019 to change of patta in the name of the petitioner regarding the land in Survey No.362/2 (Extent of 64 cents) of Ayan Thenkarai Village Group, Vadipatti Taluk, Madurai District.

For Petitioner : Mr.V.Kannan
For Respondents : Mr.C.M.Marichelliah Prabhu, AGP
for RR1 to 3

ORDER

The prayer in this writ petition is for a Writ of Mandamus, directing the 1st respondent to consider and pass orders on the petitioner's appeal dated 10.04.2019 to change of patta in the name of the petitioner regarding the land in Survey No.362/2 (Extent of 64 cents) of Ayan Thenkarai Village Group, Vadipatti Taluk, Madurai District.



2. Heard Mr.V.Kannan learned counsel appearing for the petitioner and Mr.C.M.Mari Chelliah Prabhu, learned Additional Government Pleader appearing for the respondents 1 to 3. Since no adverse order is going to be passed against the respondents 4 to 10, notice to them is dispensed with.

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3. With the consent of both sides, this writ petition is disposed of at the admission stage itself.

4. In respect of the properties in Survey Nos. 364/2A, 364/2C, 365/4C and 365/2 situated in Ayan Thenkarai Village Group, Vadipatti Taluk, Madurai District, the petitioner and others made a request for change of name in the patta to the 3rd respondent Tahsildar, who rejected the claim by his proceedings in Na.Ka.No.6155/2018 dated 06.03.2019 stating that the plea raised by the petitioner and others and the relief sought for by them have to be decided either by the Revenue Divisional Officer or the District Revenue Officer i.e., the 1st or 2nd respondents herein. Accordingly, the petitioner and others were directed to approach the 1st or 2nd respondent. Pursuant to the said order passed by the 3rd respondent, the petitioner and others filed appeal on 10.04.2019 to the 1st respondent against the private respondents herein, where the 3rd respondent also has been made as party and the said appeal is pending before the 1st respondent for consideration. Therefore, in that circumstances, the learned counsel appearing for the petitioner submits that, if the said appeal is directed to be decided by the 1st respondent on merits, within a time frame and orders are passed therein, the petitioner would be satisfied.

5. I have heard the learned Additional Government Pleader appearing for the official respondents, who would submit that, the said appeal filed by the petitioner and others would be decided on merits within a time frame, after hearing both the petitioner as well as the private respondents and a reasonable time may be granted.

6. Considering the submissions made by both sides and having regard to the facts of this case, this Court is inclined to dispose of this writ petition with the following direction:

"The 1st respondent is hereby directed to consider the appeal filed by the petitioner and others dated 10.04.2019 against the private respondents and decide it on merits and in accordance with law, of course, after hearing the petitioner and others, who are the petitioners before the 1st respondent as well as the private respondents including the 3rd respondent Tahsildar, who are the respondents in the said appeal and pass final order thereon, within a period of eight weeks from the date of receipt of a copy of this order."



7. With this direction, this writ petition is disposed of. No costs.

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Sd/-

Assistant Registrar (CS-III)

Sub Assistant Registrar (CS)

To

1. The District Revenue Officer,
Madurai, Madurai District.
2. The Revenue Divisional Officer,
Madurai, Madurai District.
3. The Tahsildar,
Vadipatti Taluk,
Madurai District.

+1 CC to Mr.V.KANNAN, Advocate SR-76277.
+1 CC to SPL GP SR-76594.

Order made in
W.P. (MD) No.16015 of 2019
Dated:
19.07.2019

CS(06.09.2019) 3P 6C