



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

WEB COPY

W.P.(MD)No.20842 of 2018

S.P.Murugesan

... Petitioner

Vs.

1.The District Collector,
Collector Office,
Tuticorin District.

2.The Revenue Divisional Officer,
Thiruchendur,
Tuticorin District.

3.Malarthevan
Tahsildar
Eral
Tuticorin District.

Respondents

...

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 1st respondent to take action against the 3rd respondent on the basis of 17.09.2018 representation and consequently direct the 2nd respondent to dispose the appeal dated 12.03.2018 within a time frame.

For Petitioners

:Mr.V.Balasubramanian

For Respondents

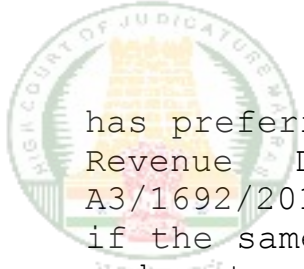
:Mr.M.Rajarajan for R1 & R2
Government Advocate

ORDER

The prayer in the writ petition is for a writ of Mandamus to direct the 1st respondent to take action against the 3rd respondent on the basis of the representation dated 17.09.2018 and consequently direct the 2nd respondent to dispose the appeal dated 12.03.2018.

2. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents 1 and 2.

3. Though the aforesaid prayer has been sought for by the petitioner, the learned counsel for the petitioner, however, today, submitted that, as against the patta issued by the third respondent in respect of the private individuals on the land of the petitioner, without notice to the petitioner, the petitioner



has preferred an appeal on 05.02.2018 before the second respondent Revenue Divisional Officer, which has been numbered as A3/1692/2018 and is still pending with the second respondent and if the same is decided on merits and in accordance with law and an order to that effect is passed by the second respondent, the petitioner would be satisfied and accordingly, the learned counsel for the petitioner is confined with the present prayer instead of the prayer sought for in the writ petition.

4. I have heard the learned Government appearing for the respondents 1 and 2 in this regard, who would submit that the second respondent would decide the appeal dated 05.02.2018 in proceedings No.A3/1692/2018 and pass orders thereon on merits, after hearing the petitioner and the rival claimants, if any.

5. In view of the said submissions made by the learned counsel for the petitioner, who confined the said prayer of disposal of the appeal pending before the second respondent, this Court is inclined to dispose this writ petition with the following direction:

"That the second respondent is hereby directed to decide the appeal filed by the petitioner dated 05.02.2018 in A3/1692/2018 and pass orders thereon on merits and in accordance with law, of course, after hearing both the petitioner as well as the third parties, in whose favour recently the patta claimed to have been given by the third respondent and such final order shall be passed by the second respondent within a period of eight weeks from the date of receipt of a copy of this order." No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

RR

To

1.The District Collector,
Collector Office,
Tuticorin District.

2.The Revenue Divisional Officer,
Thiruchendur,
Tuticorin District.

+1CC TO M/S.SPECIAL GOVERNMENT PLEADER SR.NO.70065

W.P. (MD) No.20842 of 2019

19.06.2019