



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.08.2019**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.18009 of 2019

Nagaraj

...Petitioner

-Vs-

1.The Revenue Divisional Officer,
O/o.The Revenue Divisional Office,
Tirunelveli District.

2.The Tahsildar,
Tiruvengadam Taluk,
Tirunelveli District.

3. Immanuvel

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondent No.1 to dispose the petitioner's appeal dated 31.07.2019 for cancelling the patta bearing No.1623 which was obtained by the 3rd respondent for the land property in Survey No.250/3 situated at Maiparai Village, Tiruvengadam Taluk, Tirunelveli District within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.P.Ponraj
For R1 and R2 : Mr.P.Kannithevan, A.G.P.

ORDER

The prayer in this writ petition is for a Writ of Mandamus, directing the respondent No.1 to dispose the petitioner's appeal dated 31.07.2019 for cancelling the patta bearing No.1623 which was obtained by the 3rd respondent for the land property in Survey No.250/3 situated at Maiparai Village, Tiruvengadam Taluk, Tirunelveli District within a stipulated time that may be fixed by this Court.

2.Heard Mr.P.Ponraj, learned counsel appearing for the petitioner and Mr.P.Kannithevan, learned Additional Government Pleader appearing for the respondents 1 and 2. Since no adverse

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order is going to be passed against the 3rd respondent, notice to him is dispensed with.

3. In respect of the land at S.No.250/3 situated at Maiparai Village, Tiruvengadam Taluk, Tirunelveli District, covering patta No.1623, it is the claim of the petitioner that the said property belongs to the petitioner and the 3rd respondent, who is none other than the brother of the petitioner, and his father settled the property in favour of both the brothers on 03.10.2012. However, according to the petitioner, the 3rd respondent clandestinely made to get a patta successfully in favour of the 3rd respondent and therefore, in order to cancel the patta and to issue the same in favour of the petitioner as well as the 3rd respondent, as per the settlement deed dated 03.10.2012, the petitioner had given a representation to the 1st respondent on 31.07.2019. Therefore, the learned counsel appearing for the petitioner submits that, if the said representation/appeal filed before the 1st respondent is decided on merits within a time frame, the petitioner would be satisfied.

4. I have heard the learned Additional Government Pleader appearing for the official respondents, who would submit that, the said representation/appeal filed by the petitioner would be decided on merits, within a time frame to be stipulated by this Court.

5. Having regard to the said submissions made by both sides, this Court is inclined to dispose of this writ petition, with the consent of both the parties, at the stage of admission itself, with the following direction:

"The 1st respondent is hereby directed to consider the appeal/representation of the petitioner dated 31.07.2019 and decide the same, after hearing the petitioner as well as the 3rd respondent by giving opportunity of being heard to them by way of sending separate notices to them and final order to that effect shall be passed on merits and in accordance with law, by the 1st respondent within a period of six weeks from the date of receipt of a copy of this order."

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)



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To

1.The Revenue Divisional Officer,
O/o.The Revenue Divisional Office,
Tirunelveli District.

2.The Tahsildar,
Tiruvengadam Taluk,
Tirunelveli District.

+1 CC to M/s.P. PON RAJ, Advocate (SR-82361[F] dated 20/08/2019)

Order made in
W.P. (MD)No.18009 of 2019

Dated:
20.08.2019

_KM/ (13.12.2019) 3P 4C