



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 29.08.2019
CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.18711 of 2019
and
W.M.P (MD) .No.15077 of 2019

K.Nagarajan

... Petitioner

-Vs-

1.The Revenue Divisional Officer,
Periyakulam,
Theni District.

2.The Tahsildar,
Periyakulam Taluk,
Theni District.

3.Srinivasan

4.Devaraj @ Thiyagarajan

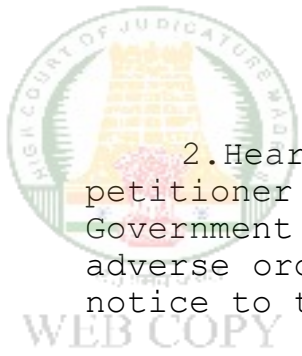
... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the first respondent herein to dispose of the appeal dated 19.01.2017 challenging cancellation of joint patta in respect of the property measuring 1 acre 51 cents comprised in Survey No.1874 vide patta No.681 and subsequent patta No.3232 situated in Saruthupatti, Tamaraikulam Village, Periyakulam Taluk, Theni District and consequently, forbear the respondents 3 and 4 herein from encumbering or alienating the property covered by joint patta No.3232.

For Petitioner : Mr.K.Appadurai
For Respondents : Mr.C.M.Mari Chelliah Prabhu
(for R1 & R2)
Additional Government Pleader

ORDER

The prayer sought for in this writ petition is to direct the first respondent herein to dispose of the appeal, dated 19.01.2017, challenging cancellation of joint patta in respect of the property measuring 1 acre 51 cents comprised in Survey No.1874 vide patta No.681 and subsequent, patta No.3232, situated in Saruthupatti, Tamaraikulam Village, Periyakulam Taluk, Theni District and consequently, forbear the respondents 3 and 4 herein from encumbering or alienating the property covered by joint patta No.3232.



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

3.With the consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

4.The petitioner, in respect of his property at Survey No.1874 vide patta No.681 and subsequent, patta No.3232, situated in Saruthupatti, Tamaraikulam Village, Periyakulam Taluk, Theni District, has preferred an appeal before the first respondent dated 19.01.2017 against the order passed by the second respondent and the said appeal still is pending with the first respondent. Therefore, the learned counsel appearing for the petitioner would submit that, if the said appeal is decided on merits and in accordance with law, after giving an opportunity of being heard to the petitioner as well as the rival claimants, the petitioner would be satisfied.

5.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 said appeal pending before the first respondent would be decided on merits, within a time to be stipulated by this Court.

6.Considering the limited scope of the prayer sought for in this writ petition, this Court is inclined to dispose of this writ petition with the following directions:-

"that the first respondent is hereby directed to consider and pass order on the appeal, dated 19.01.2017 filed by the petitioner, pending before the first respondent, on merits and in accordance with law, after hearing both the petitioner as well as the respondents 3 and 4 by giving separate notices to them and final order shall be passed thereon, within a period of eight weeks from the date of receipt of a copy of this order."

7.With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)



1.The Revenue Divisional Officer,
Periyakulam,
Theni District.

2.The Tahsildar,
Periyakulam Taluk,
Theni District

+1 CC to Mr.K.APPADURAI, Advocate (SR-84282[F] dated 29/08/2019)
+1 CC to SPL GP (SR-84620[F] dated 30/08/2019)

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29.08.2019

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