



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2019

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

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W.P. (MD)No.18620 of 2019

and

W.M.P. (MD) No.14987 of 2019

D.Thiagaraj

... Petitioner

-Vs-

1.The Revenue Divisional Officer,
Nagercoil, Kanyakumari District.

2.The Tahsildar,
Thovalai at Boothapandi,
Kanyakumari District.

3.K.Duraisamy Nadar

4.Balamani

5.Jayanthi

6.Seela

7.Kala @ Monisha

8.Brinthamary

... Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, to direct the 1st respondent to consider the petitioner's application dated 15.07.2019 as submitted for the cancellation of Patta as given in favour of the respondents No.4 to 8 in respect of the properties bearing Survey Nos.621/6, 6262/7 as 626/7A and 626/8 as 626/8A situated at Kumarapuram Village, Aralvoimozhi Via, Kanyakumari District on merits and in accordance with law.

For Petitioner : Mr.S.Palani Velayutham

For Respondent : Mr.V.Anand, G.A. For RR1 and 2

ORDER

The prayer in this writ petition is for a Writ of Mandamus, to direct the 1st respondent to consider the petitioner's application dated 15.07.2019 as submitted for the cancellation of Patta as given in favour of the respondents No.4 to 8 in respect of the properties bearing Survey Nos.621/6, 6262/7 as 626/7A and 626/8 as 626/8A situated at Kumarapuram Village, Aralvoimozhi Via, Kanyakumari District on merits and in accordance with law.



2.Heard Mr.S.Palani Velayutham, learned counsel appearing for the petitioner and Mr.V.Anand, learned Government Advocate appearing for the respondents 1 and 2. Since no adverse order is going to be passed against the respondents 3 to 8, notice to them is dispensed with.

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3.In respect of the patta given in S.Nos.621/6, 6262/7 as 626/7A and 626/8 as 626/8A situated at Kumarapuram Village, Aralvoimozhi Via, Kanyakumari District, to the respondents 3 to 8, the petitioner preferred an appeal to the 1st respondent Revenue Divisional Officer on 15.07.2019 under the provisions of Patta Pass Book Act and the said appeal is still pending with the 1st respondent. Therefore, the learned counsel appearing for the petitioner would submit that, if the said appeal is decided by the 1st respondent on merits and in accordance with law, within a time frame to be stipulated by this Court, the petitioner would be satisfied.

4.I have heard the learned Government Advocate appearing for the official respondents, who would submit that, the said appeal filed by the petitioner with the 1st respondent would be decided on merits, after hearing both the parties, within a time frame to be stipulated by this Court.

5.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 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 dated 15.07.2019 and pass orders thereon under Section 12 of Patta Pass Book Act, of course, after giving an opportunity of being heard to the petitioner as well as the respondents 3 to 8 herein by sending them separate notices and final order shall be passed thereon, within a period of eight 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. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The Revenue Divisional Officer,
Nagercoil, Kanyakumari District.

2.The Tahsildar,
Thovalai at Boothapandi, Kanyakumari District.

+1 CC to M/s.S.PALANI VELAYUTHAM, Advocate (SR-84060[F]

+1 CC to M/s.Special Govt.Pleader (SR-84220[F] dated 29/08/2019)

Order made in

W.P. (MD) No.18620 of 2019

28.08.2019

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SDS (19.12.2019) 3P 5C