



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2019

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.18943 of 2019

S.Arulraj

...Petitioner

-Vs-

1.The District Collector,
Office of the District Collector,
Dindigul District.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Dindigul.

3.The Tahsildar,
Office of the Taluk Office,
Nilakottai, Dindigul District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents herein to cancel the patta pertaining to the proceedings issued by the 2nd respondent vide his proceedings in Na.Ka.No.12991/2017/A4 dated 29.12.2017 on the basis of the petitioner's representation dated 22.12.2017 within the time stipulated by this Court.

For Petitioner : Mr.B.Jameel Arasu
For Respondents : Mr.C.M.Marichelliah Prabhu
Additional Government Pleader

ORDER

The prayer in this writ petition is for a Writ of Mandamus, to direct the respondents herein, to cancel the patta pertaining in Na.Ka.No.12991/2017/A4 dated 29.12.2017 on the basis of the petitioner's representation, dated 22.12.2017.

2.Heard Mr.B.Jameel Arasu, learned counsel appearing for the petitioner and Mr.C.M.Marichelliah Prabhu, learned Additional Government Pleader appearing for the respondents.

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



4. In order to cancel the patta given in favour of one Arumugam in respect of the land at Survey No.276/9, R.S.Oruthattu Village, Nilakottai Taluk, Dindigul District, the petitioner had given an appeal on 22.12.2017 to the second respondent under Patta Passbook Act and on receipt of the said appeal, the second respondent by his proceedings in Na.Ka.No.12991/2017/M4, dated 29.12.2017 directed the third respondent to conduct an enquiry and send a detailed report enabling the second respondent to decide the appeal filed by the petitioner. Thereafter, though notice has been given and the documents available with the petitioner has also been filed by the petitioner before the third respondent, it seems that the third respondent has not forwarded his report to the second respondent to decide the issue. Therefore, the petitioner has approached this Court with the aforesaid prayer.

5. I have heard Mr.M.Mari Chelliah Prabhu, learned Additional Government Pleader appearing for the respondents, who would submit that, based on the enquiry already conducted by the third respondent, report would be sent within a shortest possible time to the second respondent, who, on receipt of the same, will pass final order on the appeal of the petitioner, thereafter, within a time frame to be stipulated by this Court.

6. I have considered the said submissions made by both sides and having regard to the factual matrix of the case, this Court is inclined to dispose of this writ petition with the following directions:-

"that the third respondent is hereby directed to send a report, as directed by the second respondent vide his proceedings in Na.Ka.No.12991/2017/M4 dated 29.12.2017, within a period of two weeks from the date of receipt of a copy of this order and on receipt of such report from the third respondent, the second respondent, after hearing the petitioner as well as the present patta holder one Arumugam by sending notices to them separately, pass final order on the appeal of the petitioner, dated 22.12.2017 on merits and in accordance with law, within a period of four weeks, thereafter.

7. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //



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To

- 1.The District Collector,
Office of the District Collector,
Dindigul District.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Dindigul.
- 3.The Tahsildar,
Office of the Taluk Office,
Nilakottai, Dindigul District.

+1 CC to SPLGP (SR-84897[F] dated 03/09/2019)

+1 CC to Mr.B.JAMEEL ARASU, Advocate (SR-84955[F] dated
03/09/2019)

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VB(04.12.2019) 3P 6C