



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 18.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.20075 of 2019

WEB COPY

Sundarakalai

... Petitioner

/Vs./

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The District Revenue Officer,
Virudhunagar District,
Virudhunagar.
3. The Revenue Divisional Officer,
Sivakasi, Virudhunagar District.
4. The Tahsildar,
Sivakasi Taluk,
Virudhunagar District.

5.M.E.Alagarsamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the third respondent herein to dispose the appeal dated 03.07.2019 filed under Tamil Nadu Patta Pass Book Act, 1983 within the stipulated period.

For Petitioner : Mr.M.Jothibas

For Respondents : Mr.Aayiram K.Selvakumar (for R1 to R4)
Additional Government Pleader

ORDER

Mr.M.Jothibas, learned counsel on record for writ petitioner is before this Court.

2.Mr.Aayiram K.Selvakumar, learned Additional Government Pleader, accepts notice on behalf of respondents 1 to 4.

3. From the case file and submissions made in Court, it comes to light that this writ petition can be disposed of by passing an order which is not adverse to rights of fifth respondent (private respondent). Be that as it may a safety valve is also being put in place in this regard and the same shall be set out infra elsewhere in this order. With consent of learned counsel for writ petitioner



and State Counsel, main writ petition is taken up, heard out and is being disposed of.

4. The main writ petition turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's appeal filed on 03.07.2019, wherein the writ petitioner has sought an order cancelling the patta issued in favour of the fifth respondent.

5. Notwithstanding several averments made in the affidavit filed in support of the writ petition, notwithstanding several grounds raised / contentions urged in the affidavit filed in support of instant writ petition, learned counsel for writ petitioner abridges the scope of the writ petition and submits that it will suffice if the third respondent is directed to dispose of the aforementioned appeal of the writ petitioner, dated 03.07.2019 (page No.39 of the typed set of papers forming part of the case file) on its own merits and in accordance with law.

6. The aforesaid appeal dated 03.07.2019 shall be disposed of by the third respondent on its own merits and in accordance with law as expeditiously as possible and in any event, within a period of eight weeks from the date of receipt of a copy of this order, if not already disposed of. Fifth respondent herein who is sole respondent in the appeal shall be put on notice and given a reasonable opportunity by third respondent. To be noted, this is the safety valve alluded to supra.

7. Though obvious, it is made clear that this Court has not expressed any opinion or view on the merits of the matter.

8. The order of disposal of appeal shall be communicated by the office of the third respondent to the writ petitioner and fifth respondent under due acknowledgement within seven working days from the completion of aforesaid exercise.

9. Instant Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The District Collector,
Virudhunagar District,

<https://hcservices.hcsonline.in/hcservices/>



2.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.

3.The Revenue Divisional Officer,
Sivakasi, Virudhunagar District.

4.The Tahsildar,
Sivakasi Taluk,
Virudhunagar District.

+1 CC to Mr.M.JOTHI BASU, Advocate (SR-87598[F] dated 19/09/2019)

+1 CC to SPL GP (SR-87988[F] dated 19/09/2019)

Order made in
W.P(MD)No.20075 of 2019
Dated:18.09.2019

rmk

__MK (04.10.2019) 3P 7C