



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.23929 of 2019

P.Ramadass

... Petitioner

vs.

1.The District Revenue Officer,
DRO Office,
Thanjavur, Thanjavur District.

2.The Sub-Collector,
Sub Collector Office,
Kumbakonam, Thanjavur District.

3.The Tahsildar,
Taluk Office,
Kumbakonam and Post,
Thanjavur District.

4.The Zonal Deputy Tahsildar,
Taluk Office,
Kumbakonam,
Thanjavur District.

5.The Village Administrative Officer (VAO),
Village Officer office,
Solan Maligai.

6.R.Santhanam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to conduct an enquiry on the appeal filed by petitioner on 04.05.2017 (Appeal number not known) for transfer of patta of the properties purchased through the sale deed dated 09.03.2015 on the file of the Sub-Registrar, Swamimalai, in document No.2048 of 2016 and disposed of the same within stipulated time specified by this Court and consequently directing the 1st respondent to grant patta in the name of the petitioner.

For Petitioner : Mr.K.M.Subrahmaniam

For Respondents : Mr.Aayiram K.Selvakumar
Additional Government Pleader
for R.1 to R.5



ORDER

Mr.K.M.Subrahmaniam, learned counsel on record for writ petitioner and Mr.Aayiram K.Selvakumar, learned Additional Government Pleader, who accepts notice on behalf of respondents 1 to 5 (official respondents) are before this Court.

2. 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 sixth respondent (private respondent) by putting in place adequate safeguards / safety valve.

3. Notwithstanding very many averments made in the writ affidavit, notwithstanding very many grounds canvassed / contentions urged in the writ affidavit, learned Counsel for writ petitioner submits that it will suffice if there is a direction to the first respondent to dispose of the appeal dated 04.05.2017 that is said to be pending with the first respondent.

4. Learned State Counsel, who has accepted notice on behalf of official respondents 1 to 5 submits that the appeal will be disposed of as expeditiously as possible if not already disposed of.

5. To be noted, the sixth respondent (private respondent) has been arrayed as fifth respondent in the appeal. Though obvious it is made clear that the first respondent shall hear the fifth respondent in the appeal and pass orders on the appeal on its own merits and in accordance with law, after giving reasonable opportunity to the writ petitioner (appellant in the appeal) as well as fifth respondent, who is sixth respondent in instant writ petition. To be noted this is a safety valve and safety mechanism qua the rights of the sixth respondent which has been alluded to supra.

6. In the light of the aforesaid narrative, the first respondent shall dispose of writ petitioner's appeal dated 04.05.2017 as expeditiously as possible and in any event within a period of eight (8) weeks from the date of receipt of a copy of this order. If the appeal has already been disposed of, copy of the order shall be communicated to the writ petitioner, sixth respondent and all others concerned, within seven(7)working days from the date of receipt of a copy of this order. If the appeal is to be disposed of after receipt of a copy of this order, the order disposing of the appeal shall be communicated under due acknowledgement to the writ petitioner, sixth respondent and all others concerned within seven (7) working days from the date of disposal.



7. Instant Writ Petition is disposed of with the above directions. There shall be no order as to costs.

WEB COPY

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Revenue Officer,
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Kumbakonam,
Thanjavur District.

5.The Village Administrative Officer (VAO),
Village Officer office,
Solan Maligai.

+1 CC to M/s.K.M.SUBRAMANIAM, Advocate (SR-98226[F]dated 14/11/2019
+1 CC to M/s.GP (SR-98412[F] dated 14/11/2019)
SSL

sma/26/11/19/3p 8c

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