



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.11.2019**

CORAM:

THE HONOURABLE **MR.JUSTICE M.SUNDAR**

W.P (MD)No.24131 of 2019

S.Baskar

... Petitioner

/vs./

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Near Government Hospital,
Ramanathapuram District.

2.K.Muniyasamy

3.M.Muneesprabhu

4.T.Gowry

... 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 dispose the petitioner's Appeal in A.S.No.4600 of 2019 pending on the file of the 1st respondent within the time stipulated by this Court.

For Petitioner : Mr.S.Malaikani

For R-1 : Mr.B.Bhagawathi
Government Advocate

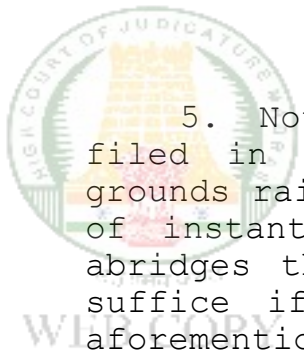
ORDER

Mr.S.Malaikani, learned counsel on record for writ petitioner is before this Court.

2. Mr.B.Bhagawathi, learned Government Advocate, accepts notice on behalf of the first respondent (official respondent).

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 the rights of respondents 2 to 4 (private respondents). 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 dated 21.09.2019, wherein writ petitioner has *inter-alia* sought cancellation of patta, initiation of necessary proceedings and restraining jurisdictional Sub-Registrar from registration of documents in respect of certain lands. To be noted, Appeal is filed under Section 12 of 'The Tamil Nadu Patta Pass Book Act, 1983 (4 of 1986)' (hereinafter referred to as 'said Act' for the sake of brevity, convenience and clarity).



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 first respondent is directed to dispose of the aforementioned appeal of the writ petitioner, dated 21.09.2019 (page Nos.8 to 10 of the typed set of papers forming part of the case file) on its own merits and in accordance with law.

6. The prayer being innocuous, this Court is of the view that the same can be acceded to.

7. The aforesaid appeal dated 21.09.2019 shall be disposed of by the first respondent on its own merits and in accordance with law as expeditiously as possible and in any event, within a period of six (6) months from the date of receipt of a copy of this order, if not already disposed of. Respondents 2 to 4 herein who are the respondents 1 to 3 in the appeal shall be put on notice and given a reasonable opportunity by first respondent. To be noted, this is the safety valve qua private respondents 2 to 4 alluded to supra.

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

9. The order of disposal of appeal shall be communicated by the first respondent to the writ petitioner and respondents 2 to 4 under due acknowledgement within seven (7) working days from the completion of aforesaid exercise.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To
The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Near Government Hospital, Ramanathapuram District.
+1CC to M/S.S.MALAIKANI, Advocate, sr.No.98529
+1cc to Spl.Govt. Pleader sr.No.99024
sm/sma/29/11/19/2p/4c

Order made in
W.P (MD) No.24131 of 2019
Dated:15.11.2019