

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2020

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN

Writ Petition No.8536 of 2020
& W.M.P.Nos.10315 & 10316 of 2020

1.Periyasamy
2.Selvamani

...Petitioners

Vs.

1. The District Collector
Office of the District Collector
Kallakurichi 606 202
Kallakurichi District.
2. The District Revenue Officer / DRO
Office of the District Revenue Officer
Kallakurichi 606 202, Kallakurichi District.
3. The Revenue Divisional Officer / Sub Collector
Office of the Revenue Divisional Officer
Kallakurichi 606 202, Kallakurichi District.
4. Tahsildar, Chinna Salem 606 201
Kallakurichi District.
5. The Head Surveyor / Taluk Surveyor
Chinna Salem, 606 201 Kallakurichi District.
6. The Village Administrative Officer
Koohayur Village, Chinna Salem Taluk,
Kallakurichi District.
7. Murugan
8. Chellamuthu

...Respondents

Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the second respondent to consider and pass orders on the appeal dated 12.03.2020 filed by the petitioners herein against the order dated 17.02.2020 passed by the Sub Collector, Kallakurichi within a stipulated period and pass further appropriate orders.

For Petitioners : Mr.V.R.Appaswamee

For Respondents : Ms..Rajalakshmi, Addl.Govt.Pleader
- for RR 1 to 6

O R D E R

According to the learned counsel for the petitioners, a partition deed was entered into between the petitioners and their father on 01.03.1996. Since the respondents 7 and 8 were disturbing the exclusive right of the petitioners with respect to cart track, the petitioners filed a suit in O.S.No.10 of 2017 before the District Munsif Court, Kallakurichi. During the pendency of the same, the third respondent / Revenue Divisional Officer, Kallakurichi passed an order on 17.02.2020 surveying the lands belonging to the petitioners. Aggrieved by the said order, the petitioners filed an appeal before the second respondent / District Revenue Officer, Kallakurichi on 12.03.2020 and the same is pending. While so, the fifth and sixth respondents have attempted to survey the lands in question. Hence, the petitioners sent a representation dated 01.06.2020 to the respondents 3 to 6 requesting them not to carry on the survey activities till a decision is taken by the second respondent. However, the said representation has not been considered till date. Therefore, the petitioners have approached this Court with the present writ petition seeking a direction to the second respondent to dispose of the appeal dated 12.03.2020 filed by them.

2.Mrs.P.Rajalakshmi, learned Additional Government Pleader taking notice for the respondents 1 to 6, submitted that the second respondent would dispose of the appeal said to have been filed by the petitioners, if not already disposed of, on merits.

3.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court, without going into the merits of the case, directs the second respondent / appellate authority to dispose of the petitioners' appeal dated 12.03.2020, if not already disposed of, on merits and in accordance with law, after affording due opportunity of personal hearing to the petitioners as well as the contesting respondents, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

4.With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KST

To

- 1.The District Collector
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- 5.The Head Surveyor / Taluk Surveyor
Chinna Salem, 606 201 Kallakurichi District.
- 6.The Village Administrative Officer
Koohayur Village, Chinna Salem Taluk,
Kallakurichi District.

सत्यमेव जयते

W.P.No.8536 of 2020

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KKV/02/09/2020