



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)No.7504 of 2020

Ramaiah Pattar

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Pudukottai,
Pudukottai District.

2.The Tahsildar,
Thirumayam Taluk,
Pudukottai District.

3.Ramasamy

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the first respondent to dispose of the petitioner's appeal within a stipulated time as fixed by this Hon'ble Court.

For Petitioner	: Mr.T.Lenin Kumar
For RR 1 & 2	: Mr.P.Kannidhevan, Additional Government Pleader.

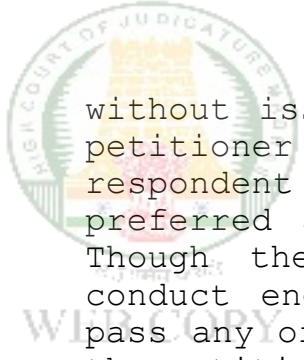
ORDER

The petitioner has filed the present Writ Petition to issue a Writ of Mandamus, to direct the first respondent to dispose of the petitioner's appeal within the stipulated period.

2.Mr.P.Kannidhevan, learned Additional Government Pleader takes notice for the respondents 1 and 2.

3.Since no adverse order is going to be passed against the third respondent, notice to the third respondent is hereby dispensed with.

4. According to the petitioner, a Temple, which is situated at Athanoor Village, Thirumayam Taluk, Pudukottai District, belonged to their family and his ancestors was administering and performing poojas. After the demise of his ancestors, their legal heirs, including the petitioner were performing poojas. Since then the property stood in the name of Muthuvidangan Pattar, who was the founder of the Trust. After the demise of the said Muthuvidangan Pattar, the property was transferred to the legal heirs, as they are the hereditary trustees and as such, the second respondent issued joint patta in Patta No.706, consisting the name of eight pattathars including the petitioner. In the mean time, the second respondent,



without issuing notice to the petitioner, removed the name of the petitioner in the joint pata and incorporated the name of the third respondent and issued new Patta No.1218. Hence, the petitioner preferred an appeal dated 02.03.2020 before the first respondent. Though the first respondent directed the second respondent to conduct enquiry and file a report, the second respondent did not pass any orders. Since no action has been taken by the respondents, the petitioner has filed the present Writ Petition.

5. The learned Additional Government Pleader appearing for the respondents 1 and 2 would submit that the appeal filed by the petitioner will be disposed of within the time stipulated by this Court.

6. In view of the above submission made by the learned Additional Government Pleader, this Court, without expressing any opinion on the merits of the matter, directs the first respondent / the Revenue Divisional Officer, Pudukottai, to dispose of the appeal filed by the petitioner dated 02.03.2020, on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order, after affording an opportunity of hearing to the third respondent and other interested parties, if any.

7. This Writ Petition is disposed of in the above terms. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ps

Note:- In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1. The Revenue Divisional Officer,
Pudukottai, Pudukottai District.

2. The Tahsildar,
Thirumayam Taluk, Pudukottai District.

W.P. (MD) No.7504 of 2020
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