



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2020

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WEB COPY

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.16952 of 2020

1.Sudalai Vadivoo
2.Petchiammal
thro' their Power of Attorney Vempiah ... Petitioners

-Vs-

The Revenue Divisional Officer,
Tirunelveli Division,
Tirunelveli. ... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, to direct the respondent to dispose the appeal preferred by the petitioners, received by the respondent dated 05.03.2019 within a time frame fixed by this Court which is relating to the lands in survey No.64/1B1A to an extent of 8 acre 55 ½ cents out of 11 acre 80 cents situated at Melappalayam Village, Tirunelveli District.

For Petitioner : Mr.T.Selvan
For R1 and R2 : Mr.P.Kanni Thevan
Additional Government Pleader.

ORDER

This writ petition has been filed to direct the respondent to dispose of the appeal relating to the lands in survey No.64/1B1A to an extent of 8 acre 55 ½ cents out of 11 acre 80 cents situated at Melappalayam Village, Tirunelveli District preferred by the petitioners, dated 05.03.2019.

2. Mr.P.Kanni Thevan, learned Additional Government Pleader takes notice for the respondent.

3. By consent of both parties, this writ petition is taken up final disposal at the stage of admission itself.

4. According to the petitioner, the land in Survey No.64/1B to an extent of 11 acre 40 cents is the ancestral property of oen Sudalai Vadivoo and Petchiammal, the petitioners herein. They have executed a power of attorney to one Vempiah, who is possession and



enjoyment of the property as a registered power of attorney. While so, one Ananchiammal, who have no right over the property, fraudulently created forgery deed and managed to obtain separate patta by sub-dividing S.No.64/1A1B into T.S.No.1/4 to 1/98. The sub division was done without any notice and enquiry to the petitioners. Hence, the petitioners filed an appeal before the respondent. Since no action has been taken, the petitioners are before this Court with the aforesaid prayer.

5.The learned Additional Government Pleader appearing for the respondent would submit that the appeal filed by the petitioners would be disposed shortly.

6.In view of the submission, made by the learned Additional Government Pleader, this writ petition is disposed of with a direction to the respondent to dispose of the appeal filed by the petitioners dated 05.03.2019, if not already disposed of, after hearing all the necessary parties, within a period of 120 days from the date of receipt of a copy of this order. The copy of the decision taken by the respondent shall be furnished to the petitioners. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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

The Revenue Divisional Officer,
Tirunelveli Division,
Tirunelveli.

W. P. (MD) No.16952 of 2020

27.11.2020

KG (CO)

CS (14.12.2020) 2P 2C