



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 22.10.2020

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THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P. (MD) .No.15004 of 2020

G. Ramasamy

... Petitioner

vs .

- 1.The Director of Vigilance and Anti Corruption,
Office of the Director of Vigilance and
Anti Corruption, Chennai -6.
2. The Commissioner of Revenue Administration,
Chepauk, Chennai.
3. The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Collectorate Campus,
Virudhunagar District, Virudhunagar.
4. The District Revenue Officer,
Virudhunagar District, Virudhunagar.
5. The Revenue Divisional Officer,
Sivakasi/Virudhunagar,
Virudhunagar District.
6. The Thasildar,
Watrap Taluk,
Virudhunagar District.
7. The Zonal Deputy Thasildar,
Watrap Taluk,
Virudhunagar District.

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent Nos.1 to 5 herein to initiate departmental proceedings against the seventh respondent herein by considering the petitioner's representation dated 28.09.2020, further directing more particularly the fifth respondent herein to dispose of the petitioner's appeal dated 18.09.2020 within a stipulated time fixed by this Court.



For Respondents : Mr.K. Chellapandian
Additional Advocate General
assisted by
Mr.M. Thilagar,
Government Advocate

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ORDER

The prayer in the writ petition is to issue a Writ of Mandamus directing the respondent Nos.1 to 5 herein to initiate the departmental proceedings against the seventh respondent by considering the petitioner's representation, dated 28.09.2020 and further directing the fifth respondent herein to dispose of the petitioner's appeal, dated 18.09.2020 within the stipulated time.

2. It is the case of the petitioner that the land in Survey No.702/9 measuring an extent of 7.45 cents has been in enjoyment and possession of the petitioner as ancestral properties and joint patta was also issued. It is alleged that the other co-owners are attempting to remove the name of the petitioner from the joint patta. In this regard, the petitioner gave a representation to the sixth respondent on 07.01.2020, who in turn directed the seventh respondent to consider the petitioner's objection.

3. According to the petitioner, the seventh respondent without applying his mind has issued a fresh patta in Patta No.3571 and hence, he preferred an appeal before the fifth respondent on 18.09.2020.

4. Mr.K.Viralinathan, learned counsel appearing for the petitioner would submit that the petitioner is not pressing for the direction sought for in the writ petition to initiate departmental proceedings against the seventh respondent, based on his representation, dated 28.09.2020. Therefore, it would suffice, if a direction is issued to the fifth respondent to consider the appeal of the petitioner, dated 18.09.2020.

5. Mr.K. Chellapandian, learned Additional Advocate General appearing on behalf of the respondents would submit that this writ petition has been filed suppressing the findings given in the civil proceedings, however, the fifth respondent is ready to dispose of the appeal preferred by the petitioner, dated 18.09.2020 in accordance with law.

6. Mr.Jerrin Mathew, learned counsel would submit that in this writ petition necessary parties are not impleaded and they should be given an adequate opportunity by the fifth respondent, while the appeal preferred by the petitioner is taken up for consideration.



7. In the light of the submissions made by the learned counsels, this Court without going into the merits of the case, directs the fifth respondent to consider and pass orders on the appeal preferred by the petitioner, dated 18.09.2020 after providing ample opportunity of hearing to all the necessary parties if any, purely on merits and in accordance with law, within a period of Six four months, from the date of receipt of a copy of this order.

8. With the above directions, this Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar (P & A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1. The Director of Vigilance and Anti Corruption,
Office of the Director of Vigilance and
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