



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE S. VAIDYANATHAN

W.P.(MD)No.15804 of 2020

G.Rakkappan

... Petitioner

-VS-

1. The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

2. The Tahsildar,
Karaikudi,
Sivagangai District.

3. Anthonysami

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to conduct an enquiry and to pass order in the appeal preferred by the petitioner pending on the file of the first respondent by fixing a time frame.

For Petitioner	: Mr.G.Prabhu Rajadurai
For Respondents	: Mr.K.P.Krishnadoss
1 and 2	Special Government Pleader

ORDER

This writ petition is filed, seeking issuance of Writ of Mandamus directing the first respondent to conduct an enquiry and to pass order in the appeal preferred by the petitioner pending on the file of the first respondent within the stipulated time.

2.Heard the learned Counsel appearing for the petitioner and Mr.K.P.Krishnadoss, learned Special Government Pleader, who took notice for the respondent 1 and 2. Since this Court is not going to pass any adverse order against the third respondent, notice to third respondent is dispensed with.



3.It is represented by the learned counsel appearing for the petitioner that the property measuring to an extent of 0.65.0 hectare (1 acre 61 cents) in Survey No.175/6 situated at Vaarivayal Village, Karaikudi Taluk, Sivagangai District was originally belonged to one Gurusamy and a Patta bearing No.124 also stood in his name. From the said Gurusamy, three persons, namely, K.Subramanian, S.P.Subramanian and K.Srinivasan have jointly purchased the said property and from them, one Paulien had purchased the entire property by three sale deeds dated 02.02.2012, 10.02.2012 and 30.03.2012. The said Paulien had executed a Power of Attorney deed dated 29.10.2012 in favour of the petitioner to develop and plot out the said land. Accordingly, the petitioner plotted out the land by preparing a layout and also obtained approval from the Town and Country Planning Department. While so, the said property was illegally transferred in favour of the third respondent by subdividing the survey number as 175/6A1 for an extent of 0.57.38 hectares vide Patta No.615. The third respondent, who is a stranger, has no right over the said property. Therefore, the petitioner had approached the first respondent by preferring an appeal on 01.06.2020 seeking to cancel the patta and restore the same in the name of the petitioner's principal. Though the first respondent have received the appeal on 23.07.2020 and directed the second respondent to enquire and send a report, so far no action has been taken. Therefore, the petitioner has come forward with the present Writ Petition.

4.Considering the facts and circumstances of the case, the first respondent is directed to consider the appeal of the petitioner dated 01.06.2020 and pass orders in accordance with law and in the light of the judgment made in W.P.(MD)No.14135 of 2020, dated 12.10.2020, after affording an opportunity of hearing to the concerned parties.

5.With the above direction the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SRM

To

1. The Revenue Divisional Officer,
Devakottai,
Sivagangai District.



2. The Tahsildar,
Karaikudi,
Sivagangai District.

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+1 CC to the SPL GP (SR-21895[F] dated 11/11/2020)

W.P(MD)No.15804 of 2020
10.11.2020

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