



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE **S. VAIDYANATHAN**

W.P. (MD)No.15839 of 2020

WEB COPY

Machi Naicker

... Petitioner

-vs-

1.The District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Dindigul,
Dindigul District.

3.The Tahsildar,
Tahsildar Office,
Dindigul East,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the second respondent to dispose Na.Ka.No.8173/19/A4 based on the third respondent Na.Ka.No.5618/18A2, dated 03.10.2019 within the stipulated time.

For Petitioner
For Respondents

: Mr.P.Manikandan
: Mr.K.P.Krishnadoss
Special Government Pleader

ORDER

This writ petition is filed seeking issuance of Writ of Mandamus directing the second respondent to dispose Na.Ka.No.8173/19/A4 based on the third respondent Na.Ka.No.5618/18/A2, dated 03.10.2019 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 respondents. By consent of both parties, the Writ Petition is disposed of at the admission stage itself.

3.It is represented by the learned counsel appearing for the petitioner that the property measuring to an extent of 1 Acre 70 Cents in Survey No.180 situated in Markkampatti Village,



Kambiliampatti, Dindigul East Taluk, Dindigul District, was originally belonged to the petitioner's mother and after the death of his mother and father, the said property devolved on the petitioner. After UDR survey, the patta in respect of the property in Re-Survey No.180/1A stands in the name of Kami Naicker, the father of the petitioner and the patta in respect of Re-Survey No.180/1B was inadvertently stands in the name of one Duraichamy, S/o.Appi Naicker. Therefore, the petitioner made a representation to the second respondent to conduct enquiry and to delete the name of Duraichamy from the patta in respect of Re-Survey No.180/1B. The second respondent after conducting enquiry, rejected the request made by the petitioner vide proceedings dated 10.11.2017 for non-production of necessary documents. Thereafter, the petitioner approached the respondents 1 to 3 on 22.03.2018 by enclosing all the necessary documents required by the second respondent. As no action was taken by the second respondent, the petitioner filed a Writ Petition in W.P.(MD)No.9995 of 2018 seeking direction to the respondent to consider his representation dated 22.03.2018 wherein this Court had passed an order directing the respondent therein to consider the representation of the petitioner dated 22.03.2018 and take further action in accordance with law within a period of eight weeks from the date of receipt of the order. Thereafter, the third respondent conducted an enquiry based on the petitioner's representation and forwarded the same to the second respondent vide proceedings dated 03.10.2019 and on receipt of the same, the second respondent called the petitioner and other parties for enquiry on 14.02.2020. Though the petitioner and other legal heirs appeared before the second respondent on the said date and gave statements, no order was passed so far. Hence, the petitioner has come forward with the present Writ Petition.

4.Considering the facts and circumstances of the case, the second respondent is directed to decide the issue based on his proceeding in Na.Ka.No.8173/19/A4, dated 14.02.2020 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, within a period of 120 days from the date of receipt of a copy of this order.

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)



To
1.The District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Dindigul,
Dindigul District.

3.The Tahsildar,
Tahsildar Office,
Dindigul East,
Dindigul District.

+1 CC to SPL GP (SR-21911[F] dated 11/11/2020)

W.P(MD)No.15839 of 2020
10.11.2020

VB (10.12.2020) 3P 5C