



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2020

CORAM:

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

W.P. (MD)No.16451 of 2020

K.Ramanathan

... Petitioner

Vs.

1.The District Revenue Officer,
Office of the District Revenue Officer,
Sivagangai, Sivagangai District.

2.The Revenue Divisional Officer,
The Revenue Divisional Office,
Ram Nagar, Devakottai,
Sivagangai District.

3.The Tahsildar,
Tahsildar Office,
Tiruppathur,
Sivagangai District.

4.SP.NT.Ramanathan

... 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 expedite the proceedings of case filed by the petitioner herein before him in Na.Ka.No.C2/23426/2019 which is pending for the past 1 ½ years before the first respondent herein within a stipulated time fixed by this Court.

For Petitioner

: Mr.S.Muthukumar

For Respondents

: Mr.K.P.Krishnadass

Special Government Pleader

For R1 to R3

ORDER

This writ petition is filed seeking issuance of Writ of Mandamus directing the first respondent expedite the proceedings of the case filed by the petitioner in Na.Ka.No.C2/23426/2019 which is pending for the past 1 ½ years before the first respondent herein within a time frame.

2. Heard the learned Counsel appearing for the petitioner and Mr.K.P.Krishnadass, learned Special Government Pleader, who took notice for the respondents 1 to 3. By consent of both parties, the Writ Petition is disposed of at the admission stage itself. Since this Court is not going to pass any adverse order against the fourth respondent, notice to the fourth respondent is dispensed with.



3. It is represented by the learned counsel appearing for the petitioner that the property in Survey No.531/18 was purchased by the petitioner's grandfather, namely, D.K.M.M.Periyanan through Devakottai Sub Court order No.629/1926 vide document No.1666/1928 on the file of the Sub Registrar, Singampuneri. After the demise of his grandfather, the petitioner's family members are in possession and enjoyment of the said property. Now they are residing at Coimbatore. Since the said property was wrongly mentioned as Natham Poramboke in the revenue records, the fourth respondent herein by using the said mistake of wrong mention, he had stated that he is in possession and enjoyment of the petitioner's property and applied for free assignment patta and thus he cheated the second and third respondents and got patta in his favour for the petitioner's property, which was subdivided into S.No.531/22. Then, the fourth respondent started construction of a building to an extent of 3 ½ cents including the petitioner's land property without obtain any prior permission or building plan approval from the Nerkuppai Town Panchayat Office. Hence, the petitioner lodged a complaint before the Nerkuppai Town Panchayat Office and therefore a memo was sent to the fourth respondent, but the fourth respondent did not stop his construction and therefore the petitioner lodged a complaint before the second respondent and filed a case in Na.Ka.No.Aa1-7546-2018 before the second respondent and requested to cancel the free assignment patta issued in favour of the fourth respondent and transfer the same in favour of the petitioner's name. But without considering the facts of the case, the second respondent has passed Proceedings on 01.02.2019 directing them to approach the Civil Court to get the relief in respect of the said property. In such circumstances, the petitioner filed a case in Na.Ka.No.C2/23426/2019 before the first respondent. But the same is adjourned repeatedly without any valid reason. Therefore, the petitioner has come forward with this Writ Petition.

4. Considering the facts and circumstances of the case, the first respondent/District Revenue Officer is directed to expedite the proceedings in Na.Ka.No.C2/23426/2019 and pass orders in accordance with law and in the light of the directions given by this Court made in W.P.(MD)No.14135 of 2020, dated 12.10.2020, after affording an opportunity of hearing to the fourth respondent as well as other concerned parties.

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

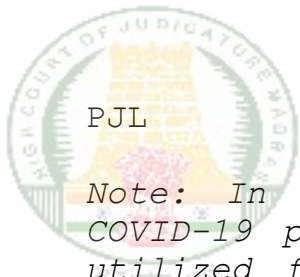
Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



PJL

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 District Revenue Officer,
Office of the District Revenue Officer,
Sivagangai, Sivagangai District.

2.The Revenue Divisional Officer,
The Revenue Divisional Office,
Ram Nagar, Devakottai,
Sivagangai District.

3.The Tahsildar,
Tahsildar Office,
Tiruppathur,
Sivagangai District.

+1 CC to M/s.S.MUTHU KUMAR, Advocate (SR-22476[F] dated 23/11/2020)

+1 CC to M/s.SPL GP (SR-22657[F] dated 24/11/2020)

W.P (MD) No.16451 of 2020
23.11.2020

PU(CO)
KB(09.12.2020) 3P 6C