



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.17073 of 2020

A.Arockiasamy

... Petitioner

-Vs-

1.District Revenue Officer,
Tiruchirappalli District.

2.Jabamalai

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the first respondent to dispose of the appeal dated 19.02.2018 filed by the petitioner within a time frame.

For Petitioner	: Mr.M.L.Ganesh
For R1	: Mr.M.Pandiya Rajan, Additional Government Pleader.

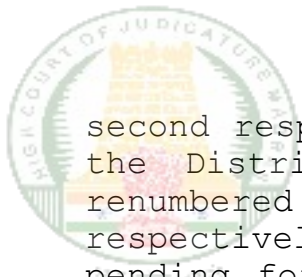
ORDER

The petitioner has come forward with this Writ Petition, seeking a direction to the first respondent to dispose of the appeal dated 19.02.2018 filed by the petitioner within a time frame.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Mr.M.Pandiya Rajan, learned Additional Government Pleader accepts notice on behalf of the first respondent. Since no adverse order is going to be passed against the second respondent, notice to him is dispensed with.

4.According to the petitioner, he is the owner of the agricultural land situate at Navalur Kuttapattu Village, Srirangam Taluk, Tiruchirappalli District, comprised in punja Survey No.401/14 measuring to an extent of 1 acre and 10 cents having derived the title by virtue of settlement deed dated 07.10.2015 executed by his father. Pursuant to the above settlement deed, the petitioner's uncle/the second respondent herein made attempts to disturb the petitioner's peaceful possession and enjoyment based on a concocted sale deed executed by third party. Therefore, the petitioner filed two suits for declaration and permanent injunction against the



second respondent in O.S.No.5 of 2016 and O.S.No.386 of 2016 before the District Munsif Court, Tiruchirappalli which were later on renumbered as O.S.No.1219 of 2019 and O.S.No.472 of 2019 respectively and transferred to District Munsif Court, Srirangam and pending for adjudication. While so, based on the application made by the second respondent, the Revenue Divisional Officer, Srirangam, had cancelled the patta bearing No.480 issued in favour of the petitioner's father, vide order dated 28.12.2017 and directed the Revenue Tahsildar to issue fresh patta in favour of the second respondent. Similarly, the petitioner also made an appeal before the District Revenue Officer, Tiruchirappalli, the first respondent herein, stating that the Revenue Divisional Officer, Srirangam had passed the said order without considering the pendency of the civil suits before the District Munsif Court, Tiruchirappalli. Therefore, the petitioner had lodged a complaint before Ramjee Nagar Police Station who in turn referred the matter to the Sub Collector, Srirangam. The Sub Collector, Srirangam had passed an order permitting the second respondent to do cultivation and prevented the petitioner from entering upon the land in question and further observed that failing which action will be initiated under Section 145 of Cr.P.C. against the petitioner. In such circumstances, the petitioner had approached the first respondent to dispose of the appeal preferred by the petitioner on 19.02.2018. Since no order has been passed on the appeal preferred by the petitioner, he has approached this Court, seeking aforesaid prayer.

5.Considering the facts and circumstances of the case, first the respondent is directed to dispose of the appeal preferred by the petitioner on 19.02.2018 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.

6.It is needless to mention that this Court has not decided the rights of the parties, namely, the petitioner and the second respondent in this Writ Petition and no adverse order has been passed against the second respondent. Therefore, the petitioner cannot contend that adverse order has been passed against the second respondent.

7.Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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 District Revenue Officer,
Tiruchirappalli District.

+1 CC to M/s.GP (SR-23350[F] dated 30/11/2020)

Order made in
W.P. (MD) No.17073 of 2020
27.11.2020

ck (CO)
TR(17.12.2020) 3P 3C