



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P(MD)No.18316 of 2020

WEB COPY

V.Rukmani

... Petitioner

Vs.

The Revenue Divisional Officer,
Office of the RDO Lalgudi,
Lalgudi- 621 601,
Tiruchirappalli District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent to dispose the Appeal No.Na.Ka.Aa.3-2763-2008, dated 05.06.2005 within the time fixed by this Court.

For Petitioner : Mr.P.S.Kothandaraman

For Respondent : Mr.K.P.Krishnadoss

Addl. Govt. Pleader

O R D E R

This writ petition has been filed for issuance of Writ of Mandamus, to direct the respondent to dispose the Appeal in Appeal No.Na.Ka.Aa.3-2763-2008, dated 05.06.2005 within the time fixed by this Court.

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

3. Mr.K.P.Krishnadoss, learned Special Government Pleader accepts notice on behalf of the respondent.

4. The case of the petitioner is that the property in Patta No.96 & 292 in Survey Nos.1/1 and 1/2 situated at No.87, Valaiyur Village, Manachanallur Taluk, Lalgudi Revenue Division, Trichirappalli District belonged to the petitioner. The petitioner has filed an appeal before the respondent in Appeal No.Na.Ka.Aa.3-2763-2008 to cancel the patta in Patta No.449 (Old Patta No.96), which was wrongly issued to the third parties, under the UDR Scheme and the same is still pending. Though the respondent conducted a thorough enquiry, after issuing notice to all the parties to the appeal, no final order has been passed in the appeal. Hence, the petitioner made several reminders, for which the respondent issued a memorandum in Oo.Mu.No.2522-2020 by saying that the respondent has called for the report from the Tahsildar of Manachanallur. When the petitioner's son made an application under RTI Act, it is stated that the information sought under RTI can be given only after furnishing the file number. It seems that the Tahsildar is not going



to submit his Report to the respondent. Since the petitioner's Appeal is pending from 2008 onwards, and now the third party is trying to alienate the property on the strength of the patta given under UDR scheme, the petitioner has approached this Court with this writ petition.

WEB COPY

5. The learned Special Government Pleader would submit that the representation of the petitioner dated 14.09.2020 has been taken cognizance and an intimation has been given to the concerned authorities and the matter is pending.

6. At this juncture, the learned counsel for the petitioner drew the attention of this Court to the communication dated 31.12.2009, in which the petitioner was informed to appear with all available documents before the Tahsildar.

7. It is seen that the issue is admittedly pending for more than a decade as per the communication dated 31.12.2009 in Na.Ka.Aa.2763-2008 and there cannot be any valid reason for keeping the matter pending for more than 10 years. If the concerned authority is not going to take steps within a period of 90 days from the date of receipt of a copy of this order, appropriate action will be initiated. It is open to the petitioner to initiate contempt for non-compliance of the order, amounting to disobedience of the order of the Court. If it is found that there is a wilful and deliberate disobedience, The concerned official will have to face imprisonment for six months under the Contempt of Courts Act.

8. Accordingly, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

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:
The Revenue Divisional Officer,
Office of the RDO Lalgudi,
Lalgudi- 621 601,
Tiruchirappalli District.

+1 cc to Mr. T.PONRAMKUMAR, Advocate, SR No.25369

+1cc to M/s.Special Government Pleader, SR No.25574

W.P (MD) No.18316 of 2020
14.12.2020

SSS (CO)
KK(11.02.2021) 3P 4C