



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2020

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR**

W.P. (MD)No.3100 of 2018

and

W.M.P. (MD)No.3252 of 2018

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The President,  
Punitha Vallanar Meenavar Kalvi Arakkattalai,  
St.Xavier's Polytechnic College,  
Seydunganallur,  
Thoothukudi,  
Tamilnadu-628 809.

...Petitioner

Vs.

1.The Revenue Divisional Officer,  
Thoothukudi,  
Thoothukudi District.

2.The Tahsildar,  
Srivaikundam Taluk,  
Thoothukudi District.

3.Abubackar

4.Aliyappa Kadha Mohideen

5.Kaja Mohideen

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the first respondent to consider and pass order on the appeal filed by the petitioner on 18.03.2016 in respect of muttation of patta No.345 regarding the properties bearing S.No.369/3B, Seithunganallur Village, Srivaikundam Taluk, Thoothukudi District.

|                |                                                     |
|----------------|-----------------------------------------------------|
| For Petitioner | :Mr.G.Prabhu Rajadurai                              |
| For R1 & R2    | :Mr.P.Kanni Thevan<br>Additional Government Pleader |
| For R3 to R5   | : Mr.AL.Kannan                                      |

**ORDER**

The petitioner seeks for a direction to consider the appeal filed by the petitioner on 18.03.2016 in respect of mutation of patta No.345 regarding the properties bearing S.No.369/3B, Seithunganallur Village, Srivaikundam Taluk, Thoothukudi District.

2. It is the grievance of the petitioner that the petitioner preferred an Appeal dated 18.03.2016 in respect of mutation of



patta No.345 regarding the properties bearing S.No.369/3B, Seithunganallur Village, Srivaikundam Taluk, Thoothukudi District before the first respondent and the same has not been considered till date and therefore, he has filed the present writ petition.

3.The learned counsel appearing for the respondents 3 to 5 would submit that respondents 3 to 5 herein filed a suit for partition in O.S.No.113 of 1986 before the Sub Court, Thoothukudi. The suit was dismissed by Judgement dated 18.12.1990. Aggrieved by the same, the respondents 3 to 5 preferred an appeal in A.S.No.965 of 1993 and this Court allowed the appeal and passed the preliminary decree for partition of 3/5<sup>th</sup> share of the suit properties to the respondents 3 to 5. Thereafter, the respondents 3 to 5 filed final decree application in I.A.No.121 of 2011 before the Sub Court, Thoothukudi and the same was allowed. He further submitted that at the time of hearing the appeal filed by the petitioner before the first respondent, sufficient opportunity may be granted to the respondents 3 to 5.

4.The learned Additional Government Pleader submits that the petitioner's appeal dated 18.03.2016 would be considered as early as possible.

5.Recording the submission of the learned Additional Government Pleader, without expressing any opinion on the merits of the matter, there will a direction to the first respondent to consider the petitioner's appeal, dated 18.03.2016, and pass appropriate orders on merits and in accordance with law, after affording sufficient opportunity to the petitioner as well as the respondents 3 to 5, as expeditiously as possible, preferably, within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner as well as the respondents 3 to 5 shall co-operate with the enquiry.

6.With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

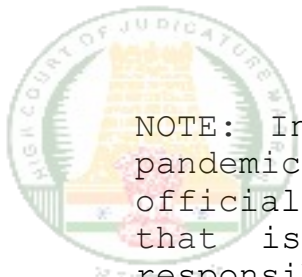
Assistant Registrar (Records)

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/ /2020

Sub Assistant Registrar(CS)

Rmi



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.

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To

1.The Revenue Divisional Officer,  
Thoothukudi,  
Thoothukudi District.

2.The Tahsildar,  
Srivaikundam Taluk,  
Thoothukudi District.

+1 CC to M/s.G. PRABHU RAJADURAI, Advocate ( SR-13868[F] dated  
07/08/2020 )

W.P. (MD)No.3100 of 2018  
06.08.2020

KB(18.08.2020) 3P 4C