

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2021

CORAM: JUSTICE N.SESHASAYEE

WP.No.6934 of 2021

Ramachandran

...Petitioner

-Vs-

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Gudiyatham (Post),
Vellore District.

2.The Tahsildar,
Pernampattu Taluk Office,
Pernampattu(Post & Taluk)
Vellore District-635 810.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to conduct the enquiry on the direction in proceedings of the first respondent in Na.Ka.No.A2/1719/2020 dated 19.11.2020 based on the representation dated 16.11.2020 in connection with issuance of patta to the petitioner.

For Petitioner : Mr.D.Veerasekaran

For R1 & 2 : Mr.E.Balamurugan

Spl.Government Pleader

ORDER

This Writ Petition is filed by the petitioner seeking a direction to the second respondent to conduct an enquiry on the direction of the first respondent vide his proceedings in Na.Ka.No.A2/1719/2020 dated 19.11.2020 based on the representation dated 16.11.2020 in connection with issuance of patta to the petitioner.

2.The issue is short. The petitioner has applied for grant of patta and that was rejected by the Tahsildar. Challenging the said proceedings, he has preferred an Appeal to the RDO on 16.12.2020. Acting on the appeal, the RDO has required the same Tahsildar, whose order is impugned, to hold the enquiry. This Court is amazed to see this and it is not known whether it is a comedy of errors or game of ignorance. The appellate authority is required to apply his independent mind on the basis of the materials made before the earlier authority and if he collects better material from the parties.

3.Mr.E.Balamurugan, learned Special Government Pleader entered appearance for the respondents 1 & 2 and submitted that an enquiry is scheduled to take place on 07.05.2021 at 3.00 p.m at the office of the second respondent.

4.The said statement of the learned Special Government Pleader is recorded.

5.In view of the above, no further direction is required to be given except that the second respondent is directed to issue notice to all the parties who are likely to be affected by his decision, provide them a fair and effective hearing and to dispose of the matter through a speaking order within a period of twelve (12) weeks (after the conclusion of the General Elections to the Legislative Assembly - 2021) from 07.05.2021.

6.The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Gudiyatham (Post),
Vellore District.

2.The Tahsildar,
Pernampattu Taluk Office,
Pernampattu(Post & Taluk)
Vellore District-635 810.

+1cc to Mr.D.Veerasekaran, Advocate Sr.NO.20621

+1cc to Government Pleader Sr.No.17997

Order made in
W.P.No.6934 of 2021

PCH(CO)
NR 21/04/2021