

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2021

CORAM :
THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.10794 of 2021

B.Kumar

S/o. Boopathi Gounder

... Petitioner

-Vs-

- 1 The Revenue Divisional Officer,
Kallakurichi RDO Office,
Kallakurichi, Kallakurichi District.
 - 2 The Tahsildar,
Chinna Salem Taluk Office,
Chinna Salem,
Kallakurichi District.
 - 3 C.Mahalingam
S/o.Chakkaravarthy Mudaliar,
Salem Main Road
Chinna Salem, Chinna Salem Taluk,
Kallakurichi District.
- Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to conduct the enquiry and pass orders on the petitioner's Appeal dated 11.02.2021 submitted against the order of Tahsildar 2nd respondent herein whereby issued patta No.8076 in favour of Mr.Mahalingam and to restore the earlier Patta No.1131, which stood in the name of the petitioner for the property in Survey Numbers 16/8A and 169/17 of Maravanatham Village, Chinna Salem Taluk, Kallakurichi within a stipulated time.

For Petitioner : Mr.V.R.Appaswamee

For Respondents : Mrs.R.Janaki,

Government Advocate for R1 and R2

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O R D E R

(The case has been heard through video conference)

This Writ Petition has been filed seeking a direction directing the 1st respondents to conduct enquiry and pass orders on the petitioner's appeal dated 11.02.2021 submitted against the order of 2nd respondent.

2. In view of the order is going to be passed in the present Writ Petition, which will not prejudice the interest of the 3rd respondent, notice to the 3rd respondent is dispensed with.

3. The grievance of the petitioner is that, against the order passed by the 2nd respondent Tahsildar, the petitioner has filed an appeal before the 1st respondent Revenue Divisional Officer on 11.02.2021. So far, his appeal was not considered and no order has been passed. Hence, the present Writ Petition has been filed by the petitioner.

4. Today, when the matter was taken up for hearing, Mrs. R.Janaki, learned Government Advocate appearing for respondents 1 and 2 would submit that, the appeal has been posted for hearing on 04.05.2021, and the petitioner may be directed to appear before the 1st respondent for enquiry.

5. Recording her submissions, as the enquiry has been already commenced, the 1st respondent is directed to complete the enquiry and pass suitable orders in the petitioner's appeal on merits in accordance with law after giving opportunity to the petitioner as well as 3rd respondent within a period of eight weeks from the date of receipt of a copy of this order. Accordingly, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

rpp

To

1 The Revenue Divisional Officer,
Kallakurichi RDO Office,
Kallakurichi, Kallakurichi District.

2 The Tahsildar,
Chinna Salem Taluk Office,
Chinna Salem, Kallakurichi District.

+1cc to Mr.V.R.Appaswamee, Advocate, S.R.No. 26243

+1cc to the Government Pleader, S.R.No. 26733

W.P.No.10794 of 2021

KJ(CO)

GN(05/07/2021)