



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2021

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NO.18514 OF 2021
AND W.M.P.NO.19751 OF 2021

S. Lakshmanan

... Petitioner

Versus

1. The Tahsidar,
Taluk Office, Attur Taluk,
Salem District.
2. The Revenue Divisional Officer,
Attur Taluk, Salem District - 636 102.
3. The District Revenue Officer,
Attur Taluk, Salem District - 636 102.
4. Kulu Gounder
Siruvachur Village and post,
Attur Taluk, Salem District - 621 113.

... Respondents

Prayer:-

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the 3rd respondent to dispose of the appeal dated 02.03.2021 on the file of 3rd respondent within the time frame to be fixed by this Court.

For Petitioner : Mr.A.Rajakumar.

For R1 to R3 : Mr.K.M.D. Muhilan,
Government Advocate.

ORDER

This writ petition has been filed for issuance of direction to the 3rd respondent to dispose of the petitioner's appeal dated 02.03.2021 on the file of 3rd respondent/DRO within the time frame to be fixed by this Court.



2. The case of the petitioner is that the subject property was allotted to him with one acre and 39 cents of land by way of Partition Deed vide Doc.No.308 of 1978, dated 22.05.1978 on the file of Sub Registrar Office, Thalaivasal and he became the absolute owner of the property. Thereafter, the petitioner has applied for sub division before the first respondent/Tahsildar and the same was done in accordance with the Partition Deed. After the sub-division, patta and other revenue records were also granted by the first respondent in his favour. Thereafter, the 4th respondent had filed an application challenging the sub-division done by the first respondent for having a right for usage over the well, which admittedly comes within the purview of the property allotted to the petitioner. Suddenly, the 4th respondent along with one Sadaya Goundar, had filed an objection petition, dated 07.03.2018 with regard to the act of sub-division and they also objected for granting of Patta in favour of the petitioner. Following the same, the second respondent/RDO had passed an order dated 09.02.2021 made in Na.Ka.No.1820/2018/A1, rejecting the sub-division as well as the grant of Patta. Aggrieved by the said order, the petitioner has preferred an appeal dated 02.03.2021 before the third respondent/DRO and the same is pending for further adjudication. Therefore, the petitioner filed a civil suit in O.S.No.14 of 2020 on the file of the District Munsif Court, Attur, seeking for comprehensive relief and the same is pending. During the pendency of the civil suit, the Revenue Authorities are not entitled to modify or alter the Revenue records like, patta etc., However, the petitioner has preferred an appeal before the 3rd respondent dated 02.03.2021 against the order passed by the second respondent dated 09.02.2021 and the said appeal has not been considered and no orders have been passed so far. Hence, the petitioner has come forward with the present writ petition.

3. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the respondents to dispose of the petitioner's appeal dated 02.03.2021 and dispose of the same within a stipulated time that may be framed by this Court.

4. Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's appeal or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, with a direction to the third respondent/The District Revenue Officer herein, to dispose of the petitioner's appeal dated 02.03.2021 on the file of the third respondent and pass appropriate orders, on merits



and in accordance with law, after giving an opportunity to the 4th respondent within a period of six months from the date of receipt of a copy of this order. No costs. Consequently, connected M.P. is also closed.

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Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gba/msm

To

1. The Tahsildar,
Taluk Office, Attur Taluk, Salem District.
2. The Revenue Divisional Officer,
Attur Taluk, Salem District - 636 102.
3. The District Revenue Officer,
Attur Taluk, Salem District - 636 102.

+1cc to the Government Pleader, S.R.No.44876

W.P.No.18514 of 2021
and W.M.P.No.19751 of 2021

AK(CO)
PM/28/09/2021