



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.18736 of 2021

K.Ganesan

...Petitioner

Vs.

1. The Revenue Divisional Officer,
Coimbatore North,
Kavundampalayam,
Coimbatore - 641 030.

2. The Thasildar,
Annur,
Coimbatore.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Mandamus to direct the 1st respondent herein to dispose off petitioner's appeal dated 26.05.2020 on merits within time limit fixed by this Court.

For Petitioner : Mr.L.Mouli

For Respondents : Mr. Yogesh Kannadasan
Government Advocate

ORDER

This writ petition has been filed for a mandamus to direct the first respondent herein to dispose of petitioner's appeal dated 26.05.2020 on merits within a time frame.

2.The case of the petitioner is that his father Kodaiappan Chettiyar purchased an extent of 2.05 acres of land out of 3.51 acres in S.F.No.79 in old Patta No.141 and also to an extent of 0.75 acres of land out of 6.88 acres in S.F.No.84 in Kunnathur Village, Annur Taluk as per registered Sale Deed dated 25.01.1974 in Document No.70/1974 from legal heirs of one Ganapathi Asari and necessary mutation were made in Patta, Adangal and "A" register in his father's name by the Revenue Authorities.



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3.The petitioner submits that his father was in peaceful possession and enjoyment of the land to an extent of 2.80 acres and his father Kodaiappa Chettiyar died on 21.07.1991 leaving him as the sole legal heir and after demise of his father, he was in possession and enjoyment of land to an extent of 2.80 acres till today.

4.The petitioner further submits that on 15.11.2017, he made on-line application seeking transfer of Patta in his favour, as he is the sole legal heir of his deceased father.

5.According to the petitioner, the second respondent herein passed an order dated 18.11.2017 in Koppu No.2017/0103/12/078602 rejecting his application on the ground that there is objection without mentioning the persons objecting name transfer and without considering his documentary evidence.

6.The petitioner submits that aggrieved by the order dated 18.11.2017, he had preferred an appeal under Section 12 of the Tamil Nadu Patta Pass Book Act 1983 before the first respondent and the first respondent after receiving the petitioner's appeal dated 26.05.2020 sent a communication dated 04.06.2020 in O.Mu.1284/2020/A2 directing the second respondent herein send a detailed report stating the reason for rejecting his application dated 15.11.2017 to the first respondent immediately.

7.The petitioner further submits that the second respondent till today has not passed any orders on his appeal dated 26.05.2020.

8.The petitioner has no other alternative remedy except to approach this Court under Article 226 of the Constitution of India. Hence, the writ petition filed.

9.The learned Government Advocate for the respondents submits that due to Covid-19 pandemic situation, the Authorities were not in a position to conduct any enquiry and there is no willful default on the part of the respondents for conducting enquiry and passing appropriate orders. He further submits that now the situation resume to normalcy and prayed this Court to issue direction in this regard.

10.Heard, learned counsel for the petitioner and the learned Government Advocate for the respondents and perused the materials available on record.

11.In the above facts and circumstances and considering the submission made by the petitioner, this Court directs the first respondent to consider the appeal dated 26.05.2020 in accordance with law after affording an opportunity to all the parties



concerned and if there are objections from any other persons, issue notice to them by following the principles of natural justice and shall pass appropriate orders, within a period of four months from the date of receipt of a copy of this order.

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12. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

pam

To

1. The Revenue Divisional Officer,
Coimbatore North,
Kavundampalayam,
Coimbatore - 641 030.
2. The Thasildar,
Annur,
Coimbatore

+1cc to M/s.L.Mouli, Advocate, S.R.No.45136

+1cc to the Government Pleader, S.R.No.45894

W.P.No.18736 of 2021

PMK (CO)
RGA (12/11/2021)