



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2021

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.17890 of 2021

Anjalai

...Petitioner

-Vs-

1. The Revenue Divisional Officer,
Thirukoilur.

2. Balamani

3. Kolanji

...Respondents

PRAYER: This Petition is filed under Article 226 of the Constitution of India, praying for the issue a Writ of Mandamus, directing the 1st respondent to dispose of the appeal in No.A12289/2021 dated 01.03.2021 within a time frame and pass orders accordingly.

For Petitioner :: M/s.R. Poornima

For Respondent-1 :: Mr. K. M. D. Muhilan
(Government Advocate)

For Respondents-2 &3 :: No Appearance

O R D E R

The relief sought for in this writ petition is for a direction to the 1st respondent to dispose of the appeal in No.A12289/2021 dated 01.03.2021 within a time frame and pass orders accordingly.

2.The learned counsel for the petitioner would submit that the said property situate at S.No.630/17 & 630/18, Carnation Street, Ulundurpet Town & Taluk is under the possession and enjoyment of the petitioner for more than 60 years. One Annakalanjiam instituted a suit in O.S. No.288 of 2001 on the file of the Principal District Munsif Court, Ulundurpet, seeking



for injunction against the petitioner herein. The suit was dismissed for default on 11.08.2005. In the said suit, an Advocate Commissioner was appointed by the Civil Court and accordingly, he has submitted a report wherein it has been clearly stated that the petitioner is in possession and enjoyment of the said property. Under such circumstances, during Natham UDR scheme, Mr. Balamani who is the husband of Tmt. Annakalanjiam was able to obtain Patta No.143 in the said property situate at Poromboke land in Chennai Trichy Highways. On the strength of the Patta, the said Balamani had executed a Settlement Deed in favour of his daughter namely Kolanji who is the 3rd respondent herein after suppressing the existence of the house of the petitioner herein. On the strength of the Settlement Deed in favour of the 3rd respondent, she mutated the Patta in her name. After coming to know the mutation of Patta in the name of the 3rd respondent herein, the petitioner has preferred an appeal before the 1st respondent on 01.03.2021.

3. It has been further submitted that taking advantage of the Patta, the respondents 2 and 3 are disturbing the possession and enjoyment of the petitioner staking claim over the said property. Even though the petitioner has kept all the relevant documents to show his possession and enjoyment over the property for the past 60 years, the 2nd and 3rd respondents are interfering wantonly with his possession and enjoyment in the said property. Despite the 1st respondent has assigned number for the appeal, neither any specific date for hearing nor enquiry was ordered. Almost five months has gone, no progress in the appeal proceedings. As on date, no civil suit is pending between the parties and there is no embargo to proceed with the appeal. Under such circumstances, the petitioner has no other alternative remedy except to approach this Court by invoking its jurisdiction under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the 1st respondent to dispose of the appeal in A12289 of 2021 dated 01.03.2021 within a time frame as fixed by this Court and pass orders accordingly.

4. The learned Government Advocate appearing for the 1st respondent would submit that the petitioner claims the property on the basis of the possession and enjoyment over the property for the past 60 years. However, there is no valid document to entitle over the said property such as Patta or any other revenue documents regarding to prove his ownership on the property.

5. Heard, the learned counsel for the petitioner and the learned Government Advocate for the 1st respondent as well as perused the materials available on record.

6. Having considered the facts and circumstances of the case



and submissions made by the learned Government advocate for the 1st respondent, as it is alleged by the learned counsel for the petitioner that the 3rd respondent is having a valid Patta in her name for the said property and the petitioner is having Electricity connection in his name over the said property for the thatched house constructed by him, this Court without considering the merits of the case, the 1st respondent is directed to pass appropriate orders in Appeal No. A12289 of 2021 dated 01.03.2021 within a period of Six months from the date of receipt of copy of this order after having perused entire records relating to the said land.

7. With the aforesaid directions, this Writ petition is disposed of. Consequently, connected miscellaneous petition is closed if any. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Lbm

To:

The Revenue Divisional Officer,
Thirukoilur.

+1cc to M/s.R.Poornima, Advocate, S.R.No.43751

+1cc to the Government Pleader, S.R.No.43919

W.P. No.17890 of 2021

RGN(CO)
RGA(12/10/2021)