



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2021

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P. NO.17848 OF 2021

K. Anandan

... Petitioner

-Vs-

1. The District Collector,
Thiruvallur District, Thiruvallur.

2. The Divisional Revenue Officer,
Thiruvallur District, Thiruvallur.

3. The Revenue Divisional Officer,
Thiruthani, Thiruvallur District,

... Respondents

PRAYER: This Petition is filed under Article 226 of the Constitution of India, praying for the issue a Writ of Mandamus, directing the 2nd respondent to dispose of the Appeal bearing Na.Ka. No.3233/2019/A1 dated 21.02.2019 within time frame fixed by this Hon'ble High Court and pass appropriate order accordingly.

For Petitioner	::	Mr.A.Neela Narayani
For Respondents	::	Mr. Yogesh Kannadasan (Government Advocate)

O R D E R

The relief sought for in this writ petition is for a direction to the 2nd respondent to dispose of the Appeal bearing Na.Ka. No.3233/2019/A1 dated 21.02.2019 within time frame fixed by this Hon'ble High Court and pass appropriate order accordingly.

2.The learned counsel for the petitioner would submit that the petitioner herein in the year 2009 has purchased the land from one Mr. Govindammal in Pallapattu Taluk for an extent of 0.11 cents in S.No.276/5, along with Bore well in Survey No.276/16 and the same has been registered by virtue of Sale Deed bearing No.3229 of 2009 on the file of the Sub-Registrar Office, R.K. Pettai. From the date of purchase of the said property, the petitioner was in possession and enjoyment of the said land and he obtained the Patta No.1431 in his favour



accordingly. While being so, one Mrs.Kanakamma has given a complaint to the RDO/3rd respondent herein stating that she is the owner of the property in Survey No.276/5 for an extent of 0.03 cents. Based on her complaint, the RDO/3rd respondent herein conducted the enquiry and cancelled the Patta No.1431 in the favour of the petitioner for an extent of 0.11 in S.No.276/5. After canceling the aforesaid Patta, the same was re-registered for an extent of 0.08 cents in S.No.276/5 in favour of the petitioner and the balance 0.03 cents in S.No.276/5 was allotted to Mrs. Kanakamma on 09.01.2019 vide Na.Ka.No.1461/2017/A2.

3. It has been further submitted that against the aforesaid order of the RDO/3rd respondent herein, the petitioner has preferred an Appeal before the DRO/2nd respondent herein on 21.02.2019 in Na.Ka.No.3233/2019/A1. Under such circumstances, as per the order of the 3rd respondent, Mrs.Kanakamma has blocked the access of the petitioner's Agricultural land and thereby income from Agricultural land is affected to the petitioner. Taking advantage of the same, Mrs. Kanakamma is harassing the petitioner by blocking the passage of the petitioner's Agricultural Land.

4. It has been further submitted that the petitioner has filed representations dated 18.07.2019 and 26.07.2021 before the 1st respondent seeking for a direction to the 2nd respondent to dispose of the Appeal filed by him. Thereafter, an enquiry notice from the 2nd respondent was received on two occasions on 18.07.2019 and 06.09.2019, but the enquiry proceedings has not been conducted on that days.

5. The learned counsel for the petitioner would further submit that no action has been taken by the 1st respondent on the representation nor any orders have been passed by the 2nd respondent on the Appeal filed by the petitioner herein. In the meanwhile, O.S. No.93 of 2019 before the District Munsiff at Pallipat has been filed for interim injunction to restrain the defendant from hindering the way of the petitioner's agricultural land in order to harvest the crop in the aforesaid survey number. Based on the interim order, the petitioner has harvested the crops in the land. While being so, the 2nd respondent is yet to pass an order on the appeal filed by the petitioner herein despite several complaint has been given before the 1st respondent. Hence, no other alternative remedy except to invoke the jurisdiction of this Hon'ble High Court under Article 226 of the Constitution of India, the petitioner has filed the present Writ petition to issue a Writ of Mandamus directing the 2nd respondent to dispose of the appeal bearing Na. Ka. No.3233/2019 dated 21.02.2019 within time frame fixed by this Hon'ble Court.



6. The learned Government Advocate would submit that the 2nd respondent may be directed to pass an appropriate orders on the appeal filed by the petitioner herein.

7. Heard, the learned counsel for the petitioner and the learned Government Advocate for the respondents.

8. Having considered the aforesaid facts and circumstances of the case and submissions made by the learned Government Advocate, the appeal has been filed in the year 2019 against the sub-division of Patta to the extent of land owned by each party. Even after passing two years, no action nor any orders is passed by the 2nd respondent on the said Appeal. Hence, the 2nd respondent is directed to look into into matter in the appeal filed by the petitioner herein after calling upon respective parties and affording sufficient opportunities to them and pass appropriate orders in accordance with law within a period of four months from the date of receipt of copy of this order without any further delay. No further time shall be given to the 2nd respondent for disposing of the said appeal.

9. With the aforesaid directions, this Writ petition is allowed. Consequently, connected miscellaneous petition is closed if any. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Lbm

To:

1. The District Collector,
Thiruvallur District, Thiruvallur.
2. The Divisional Revenue Officer,
Thiruvallur District, Thiruvallur.
3. The Revenue Divisional Officer,
Thiruthani, Thiruvallur District,

+1cc to Mr.A.Neela Narayani, Advocate, S.R.No.42708
+1cc to the Government Pleader, S.R.No.43088

W.P. No.17848 of 2021

PL(CO)
PM/22/09/2021