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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2021

CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.19140 of 2021

V.Sivanesan

... Petitioner

Versus

1. The District Collector,
Nagapattinam.
2. The District Revenue Officer,
Nagapattinam.
3. Revenue Divisional Officer,
Nagapattinam.
4. Radhakrishnan.
5. Sasikala.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to dispose of the petitioner's appeal petition dated 30.04.2010 under Ref.No.Na.Ka.No.15445/A4/2010 within the period fixed by this Court.

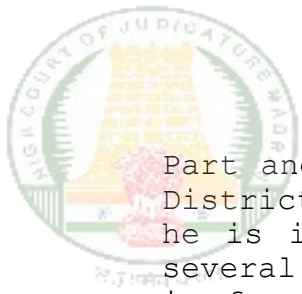
For Petitioner : Mr.Balasubramanian.

For RR 1 to 3 : Mr.K.M.D. Muhilan,
Government Advocate.

ORDER

This writ petition has been filed for issuance of Writ of Mandamus, directing the 1st respondent to dispose of the petitioner's appeal dated 30.04.2010 under Ref.No.Na.Ka.No.15445/A4/2010 within the period fixed by this Court.

2. According to the petitioner, the land which is adjacent to the petitioner's house at Marungoore Village, Old S.No.136/1B



Part and New S.No.172/6, within Nagapattinam Taluk, Nagapattinam District, measuring to an extent of 0.04 cent of Natham land and he is in peaceful possession and enjoyment of the property for several decades. While the Special Tahsildar is issuing a patta in favour of the petitioner, the respondents 4&5 had raised an objection by disturbing the peaceful possession of the said property. Therefore, he filed a suit in O.S.No.199 of 2005 before the learned District Munsiff, Nagapattinam, for permanent injunction. During the pendency of the suit, the 3rd respondent/RDO amended the Patta in favour the 4th respondent by order dated 31.03.2010. Against which, the petitioner preferred a revision before the 1st respondent/Collector on 30.04.2010. After filing the Revision, three notices of appearance dated 25.01.2011, 08.02.2011 and 22.08.2011 were issued to the petitioner. Although the petitioner approached the office of the 1st respondent on several occasions, he was told that a notice will be sent to him in this regard. But till date, the Revision has not been disposed of. 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 1st respondent to dispose of the revision dated 30.04.2010 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 revision or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, with a direction to the 1st respondent to dispose of petitioner's revision dated 30.04.2010 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and respondents within a period of sixteen weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector, Nagapattinam.



2. The District Revenue Officer, Nagapattinam.

3. Revenue Divisional Officer, Nagapattinam.

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+1cc to the Government Pleader, S.R.No.46488

W.P.No.19140 of 2021

PMK (CO)
CB (05/10/2021)