



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2021

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THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.19374 of 2021

C.Sankaran

...Petitioner

Vs.

1.The Revenue Divisional Officer,
Dharmapuri District.

2.The Tashildar,
Nallampalli Taluk,
Dharmapuri District.

3.Santhi

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the 1st respondent herein to dispose of the petitioner's appeal dated 19.09.2019 within the time limit prescribed by this Court.

For Petitioner : Mr.R.R.Mohana Raja

For Respondents : Mr.Yogesh Kannadasan for R1 & R2
Government Advocate

ORDER

This writ petition has been filed a mandamus to direct the first respondent herein to dispose of the petitioner's appeal dated 19.09.2019 within a time frame.

2.The case of the petitioner is that originally the property land in S.Nos.199/3 and 193/2 situated at Nallampalli Taluk was purchased by his late grandmother viz., Pachiammal @ Chinna Thaiyi by way of registered Sale Deed vide Document No.3275/1957 before the SRO, Dharmapuri and after the said purchase, her grandmother was in possession and enjoyment of the entire land and the revenue records also stands in her name as on date.

3.The petitioner submits that he had applied for computer patta and the same has been issued by the Competent Authority on 31.05.2019 after due confirmation of patta which stands in the name of his grandmother late Pachiammal.



4.The petitioner further submits that S.Nos.199/3 and 193/2 was sub divided into S.Nos.199/3A, 3B and 193/2A, 2B and the patta has been altered by the second respondent and subsequently S.Nos.199/3B and 193/2A patta has been issued in favour of one Santhi on 14.09.2019.

5.According to the petitioner, he preferred an appeal before the first respondent on 19.09.2019 to take appropriate action and to issue fresh patta in the name of her grandmother late Pachiammal, the same has been acknowledged by the first respondent on 20.09.2019.

6.The petitioner submits that later he came to know that one Ashokan has sold his grandmother's property to one Mrs.Santhi and the said Santhi has submitted her application before the second respondent for change of patta based on the said application, the S.Nos.193/2 and 199/3 was sub divided.

7.The petitioner further submits that he had sent a representation dated 11.12.2019 to the office of first respondent under Right to Information Act, 2005, the Public Relation Officer vide his reply dated 18.01.2020 stating that his appeal has been numbered as 4701/2019/m3 and the same has been waiting for the report from the second respondent and after the said reply, his appeal has been pending before the first respondent without any action as on date.

8.According to the petitioner, he had got a prima-facie case and the balance of convenience is in his favour and the act of the respondents are illegal and arbitrary and ultra vires being violative of Articles 14, 21 and 22 of the Constitution of India.

9.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.

10.Heard, learned counsel for the petitioner and the learned Government Advocate for the respondents 1 and 2 and perused the materials available on record.

11.In view of the above and considering the submission made by the petitioner, this Court is of the view that the Official respondents shall consider the petitioner's appeal dated 19.09.2019 and pass appropriate orders in accordance with law, after issuing notice to all the parties concerned, within a period of six months from the date of receipt of a copy of this order.



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

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s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

pam
To

1. The Revenue Divisional Officer,
Dharmapuri District.

2. The Tashildar,
Nallampalli Taluk,
Dharmapuri District.

+1 CC to The Government Pleader sr 47175
+1 CC to Mr. R. R. Mohana Raja, Advocate sr 46768.

W.P.No.19374 of 2021

SRA (CO)
SP(10/11/2021)