



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 13.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.33044 of 2014

G.Komala

... Petitioner

-Vs-

1. The Collector
Vellore District
Collectorate, Sathuvachari
Vellore.
2. The District Revenue Officer
Vellore, Vellore District.
3. The Revenue Divisional Officer
Ranipet, Vellore District.
4. The Thasildhar
Arakkonam Taluk Office
Arakkonam, Vellore District.
- 5.G.Subramani

..Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 3rd respondent to dispose of the appeal filed by the petitioner on merits pending before the 3rd respondent in Na.Ka.A4/7454/2012 dated 07.01.2013 within a time limit fixed by this Hon'ble Court.

For Petitioner : Mr.A.Gouthaman

For Respondents : Ms.Akila Rajendran,
Government Counsel - for RR 1 to 4



O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the 3rd respondent to dispose of the appeal filed by the petitioner on merits pending before the 3rd respondent in Na.Ka.A4/7454/2012 dated 07.01.2013 within a time limit fixed by this Court.

2. In respect of the property situated at S.No.474/2B to the extent of 2.50 Acres in the total extent of 2.00.5 Hectares at Kunnathur Village, Arakkonam Taluk, the petitioner had made a request for issuance of patta before the fourth respondent Tahsildar. In this regard, the petitioner had already approached this Court by filing a writ petition in W.P.No.15877 of 2011, where a direction seems to have been issued on 09.01.2012, pursuant to which the request of the petitioner was taken up for consideration by the fourth respondent, who, after having considered the said request, has rejected the same by an order dated 24.09.2012. Felt aggrieved over the said order passed by the fourth respondent, the petitioner preferred an appeal to the second respondent ie., District Revenue Officer by Appeal Memorandum dated 14.11.2012 and the said appeal is yet to be decided and according to the petitioner, it is still pending before the second respondent Revenue Divisional Officer. Therefore, in order to give a direction to the District Revenue Officer to decide the said appeal on merits after hearing the petitioner as well as the rival party ie., the fifth respondent, the petitioner has filed the present writ petition with the aforesaid prayer.

3. Heard Mr.Gouthaman, learned counsel appearing for the petitioner, who, after having reiterated the aforesaid facts, sought for the indulgence of this Court for the issuance of a direction to the second respondent.

4. Ms.Akila Rajendran, learned Government Counsel appearing for the official respondents would submit that, if the said appeal filed on 14.11.2012 is still pending with the second respondent, the same would be considered and decided on merits, of course after hearing the petitioner as well as the fifth respondent.

5. It is to be noted that, as against the order passed by the Tahsildar concerned under the Patta Passbook Act, appeal would lie only before the concerned Revenue Divisional Officer. Therefore, the appeal filed by the petitioner dated 14.11.2012 to the second respondent having been considered, was forwarded by the second respondent to the third respondent on 30.11.2012. Therefore, as per the said proceedings of the second respondent,



the said appeal is now pending before the third respondent Revenue Divisional Officer, Ranipet, Ranipet District (Formerly Vellore District). It is further to be noted that, on 07.01.2013, the third respondent / Revenue Divisional Officer has sought for a report in this regard from the fourth respondent Tahsildar. Whether the fourth respondent has sent such a report to the third respondent Revenue Divisional Officer is not known. Be that as it may. Now since the petitioner seeks only a Mandamus to the concerned authority ie., the Revenue Divisional Officer to decide the appeal of the petitioner dated 14.11.2012 on merits, this Court, after having taken the factual matrix of the case into account, is inclined to dispose of this writ petition with the following order.

- That there shall be a direction to the third respondent Revenue Divisional Officer, Ranipet, Ranipet District (Formerly Vellore District) to decide the appeal filed by the petitioner dated 14.11.2012 as against the order passed by the fourth respondent dated 24.09.2012 as forwarded by the second respondent District Revenue Officer vide his proceedings dated 30.11.2012 on merits and in accordance with law, by giving an opportunity of being heard to both the petitioner as well as the fifth respondent and pass orders thereon, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-II)

// True Copy//

Sub Assistant Registrar

KST

To

1. The Collector
Vellore District
Collectorate, Sathuvachari
Vellore.
2. The District Revenue Officer
Vellore, Vellore District.



3. The Revenue Divisional Officer
Ranipet,
Ranipet District, (Formerly Vellore District)

4. The Thasildhar
Arakkonam Taluk Office
Arakkonam, Vellore District.

+1cc to Mr.A.Gouthaman, Advocate, S.R.No.32845

+2ccs to the Government Pleader, High Court, Madras, S.R.No.33545

W.P.No.33044 of 2014

CA (CO)
SU (13/08/2021)