



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 21.09.2021

CORAM:

WEB COPY

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.20043 of 2021

M.R.Seviraja

...Petitioner

Versus

1. The District Collector of Kallakurichi,
Collectorate, Kallakurichi.

2. The District Revenue Officer,
Kallakurichi.

3. The Divisional Sub Collector (General),
Thirukkoilur, Kallakurichi District.

4. Amsam

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 2nd respondent to dispose of the petitioner's appeal dated 18.11.2019 pending before the 2nd respondent filed against the order dated 29.10.2019 made in Mu.Mu.A3/104/2019 of the 3rd respondent herein at an early date.

For Petitioner : Mr. R. Agilesh

For RR 1 to 3 : Mr. V. Veluchamy
Government Advocate

ORDER

This writ petition has been filed for issuance of Writ of Mandamus, directing the 2nd respondent to dispose of the petitioner's appeal dated 18.11.2019 pending before the 2nd respondent filed against the order dated 29.10.2019 made in Mu.Mu.A3/104/2019 of the 3rd respondent herein at an early date.

2. The case of the petitioner is that the petitioner's deceased father namely M.R.Ramachandran, was the owner of the lands comprised in Survey No.43/10, 12 and 46/7A, Manalurpet Village, Thirukkoilur Taluk, Kallakurichi District. Based on the unregistered Sale Agreement dated 09.10.1997, Patta No.164 was issued to him by the Revenue Authorities. Subsequently, the petitioner and his father have also paid necessary taxes



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from the year 1997, they were in possession and enjoyment of the property. Thereafter, they produced all the relevant documents and necessary tax receipts to show that the petitioner's father was in possession of the said property by cultivating seasoned crops and Patta No.164 was also issued in favour of him. In the meanwhile, the 4th respondent herein submitted a representation before the 3rd respondent/Divisional Sub Collector, to cancel the Patta No.164 already granted in favour of him, which was taken on file as Mu.Mu.A3/104/2019 based on the enquiry was conducted. Based on the enquiry, the 3rd respondent passed an order dated 29.10.2020, cancelled the Patta No.164 without considering his possession of the petitioner's property for more than the statutory period. Aggrieved by the said order, the petitioner filed a statutory appeal before the 2nd respondent/District Revenue Officer, dated 18.11.2019, till now, no enquiry has been conducted on the petitioner's appeal. Therefore, the petitioner has approached this Court seeking for appropriate relief by way of filing this writ petition.

3. Heard both sides and perused the materials available on record.

4. Having regard to the limited scope of the prayer, this Court is inclined to pass the following order:-

The 2nd respondent/District Revenue Officer, Kallakurichi, is hereby directed to dispose of the appeal dated 18.11.2019 filed by the petitioner as against the order in Mu.Mu.A3/104/2019 of the third respondent dated 29.10.2019 within a period of six weeks from the date of receipt of a copy of this order.

5. Accordingly, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

gba

To

1. The District Collector of Kallakurichi,
Collectorate, Kallakurichi.

2. The District Revenue Officer, Kallakurichi.

3. The Divisional Sub Collector (General),
Thirukkkoilur, Kallakurichi District.

+1 cc to Mr.T.Dhanasekaran, Advocate Sr.NO. 48864

+1 cc to Government Pleader Sr.NO. 49057

W.P.No.20043 of 2021

SMI (CO)

A.SK(27.10.2021)