



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2021

CORAM:

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P. No.22943 of 2021

C. Thilak

... Petitioner

-Vs-

1.The Revenue Divisional Officer,
Collectorate,
Salem, Salem District.

2. The Zonal DeputyTahsildar,
Salem Taluk, Salem.

3.P. Vasanthakumari

... Respondents

PRAYER: This Petition is filed under Article 226 of the Constitution of India, praying for the issue a Writ of Mandamus, directing the 1st respondent to dispose of the appeal filed by the petitioner dated 10.10.2020 against the order of the 2nd respondent dated 13.07.2018 which came to know through Right to Information Act dated 12.08.2020 within a stipulated time as fixed by this Hon'ble Court and pass appropriate orders accordingly.

For Petitioner	:: Mr. N. Anand
For Respondents 1&2	:: Mr.Yogesh Kannadasan (Government Advocate)

O R D E R

The relief sought for in this writ petition is for a direction to the the 1st respondent to dispose of the appeal filed by the petitioner dated 10.10.2020 against the order of the 2nd respondent dated 13.07.2018 which came to know through Right to Information Act dated 12.08.2020 within a stipulated time as fixed by this Hon'ble Court and pass appropriate orders accordingly.

2. Heard the learned counsel for the petitioner and the learned Government Advocate as well as perused the material



available on records.

3. Having considered the facts and circumstances of the case and submissions made by the learned counsel on either side, it is seen that in the joint possession and enjoyment of the said property in S.No.56/1D1 situate at Vengampatti Village, Salem Taluk, the petitioner's paternal uncle Palanivel has executed a settlement deed in favour of his wife namely Vasanthakumari/3rd respondent herein, without presenting parent document and without consent from co-owners of the property. Prior to the said settlement deed, the 3rd respondent has obtained Joint patta including her name without any enquiry with regard to the title, right and interest of the property. Aggrieved, the petitioner has filed appeal dated 10.10.2020 before the 1st respondent under the Patta Pass Book Act, to cancel the Patta Proceedings dated 13.07.2018. As the 1st respondent has neither passed any order nor sent any reply on the appeal filed by the petitioner herein so far, this Court without expressing any opinion with regard to the merits of the case, directs the 1st respondent to dispose of the appeal dated 10.10.2020 against the order dated 13.07.2018 within a period of fifteen weeks from the date of receipt of copy of this order.

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

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

Lbm

To:

1.The Revenue Divisional Officer,
Collectorate, Salem,
Salem District.

2. The Zonal DeputyTahsildar,
Salem Taluk, Salem.

+lcc to Mr.C.Prabakaran, Advocate SR.No.55216

+lcc to the Government Pleader SR.No.56213

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SPD(CO)

GN(20/12/2021)