



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NO.23286 OF 2021

K.Radhakrishnan

... Petitioner

.Vs.

The Revenue Divisional Officer,
Revenue Divisional Office,
Tiruttani Taluk,
Thiruvallur District

... Respondent

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to dispose of the appeal dated 21.10.2020 pending on the file of the respondent within a stipulated time frame.

For Petitioner : Mr.R.Jayaprakash

For Respondent : Mr.Yogesh kannadasan
Government Advocate

O R D E R

The present Writ Petition is filed for issuance of a Writ of Mandamus directing the 1st respondent to dispose of the appeal filed by the petitioner on 21.10.2020 pending on the file of the respondent within a stipulated time frame.

2. The brief facts of the case is that the petitioner is in possession and enjoyment of lands in Survey Nos.94/1A & 94/1B situated in Plot Nos.37 & 38, Amirthapuram, Tiruttani Taluk, Thiruvallur District to an extent of 5562 sq.ft., and the same was acquired by the petitioner by way of settlement deed dated 25.03.2009 and the same was approved by DTCP vide No.Ma. Se.Na 17/18, 1559/18 dated 19.07.1980. While so, one Jayasekar Babu, who was the erstwhile councilor of that area, through fraudulent sale deed, had obtained patta in Patta No.3349 for the property of the petitioner in his name and the same was granted without issued without conducting proper enquiry.



3. It is also the case of the petitioner that the petitioner had filed a petition before the Tahsildar, Tiruttani to cancel the illegal patta in Patta No.3349 issued to the said Jayasekarbabu, but the Tahsildar, passed an erroneous order on 09.10.2020 and challenging the same, the petitioner filed an appeal before the respondent on 21.10.2020 and the same is pending, seeking to dispose of the appeal within a time frame, the petitioner is before this Court.

4. The learned counsel for the petitioner further submitted that the petitioner will be satisfied if a direction is issued to the respondent to consider the petitioner's appeal dated 21.10.2020 and dispose of the same within a stipulated time that may be framed by this Court.

5. Mr.Yogesh Kannadasan, learned Government Advocate appearing for the respondent, on instructions from the officer of the respondent/Department submitted that a direction may be issued to the respondent to consider the prayer of the petitioner and six months time may also be granted to the respondent to consider the same.

6. 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 case pleaded by the petitioner in the present writ petition and since one year has elapsed from the date of filing of the appeal by the petitioner, the Writ Petition is disposed of, with a direction to the respondent to consider the petitioner's appeal dated 21.10.2020 after adhering to the principles of natural justice and pass appropriate orders, on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ssd



To

The Revenue Divisional Officer,
Revenue Divisional Office,
Tiruttani Taluk,
Thiruvallur District

+lcc to Mr.R.Jayaprakash, Advocate, S.R.No.55806
+lcc to the Government Pleader, S.R.No.56628

W.P.No.23286 of 2021

SRA (CO)
PM/29/11/2021