

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2021

CORAM: JUSTICE N.SESHASAYEE

WP.No.32858 of 2019
& WMP No.33289 of 2019

Immanuel John

...Petitioner

-Vs-

1.The Collector,
The Nilgiris District

2.The District Revenue Officer,
Uthagamandalam,
The Nilgiris.

3.The Revenue Divisional Officer,
Coonoor.

4.The Tahsildar,
Kothagiri.

5.Tmt.Padmini @ Gowri

6.Thiru B.Manoharan

....Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings in Na.Ka.B1.No.63/11 dated 25.09.2013 passed by the third respondent and quash the same and consequentially direct the second respondent to pass orders considering the petitioner's appeal dated 28.10.2013 in the light of the trial Court's order dated 01.03.2018 passed in O.S.No.13/2014 within the time frame.

For Petitioner : Mr.K.S.Govinda Prasad

For Respondents: Mr.G.Rajesh, GA for 1 to 4

Mr.R.Subramaniam, for RR5 & 6

ORDER

The petitioner challenges the proceedings of the DRO, by which, he cancelled the sub division made to certain 30 cents of land over which, he claims an absolute right by Sale Deed dated 30.09.2008 comprised in Old S.No.664/1 and R.S.No.741/1 part in Nadhuhatty Village, Kotagiri Taluk, Nilgris District and the petitioner placed the same for resistance to grant of patta at the instance of the fifth and the sixth respondents and it is on their resistance, the impugned order came to be passed. Subsequent to that, the petitioner says he has been promptly preferring the appeal before the DRO, the second respondent herein.

2. The learned counsel for the petitioner submitted that subsequent to the impugned order of the third respondent, the petitioner has moved the civil Court in O.S.No.13 of 2014 against the fifth and the sixth respondents herein and vide Judgment dated 01.03.2018, the suit came to be decreed and the petitioner's right over the property has been declared and the suit was only partly allowed. This was challenged by the petitioner in A.S.No.21 of 2018, and the Sub Court, Coonoor which confirmed the trial Court decree vide its judgment dated 16.08.2019. Now, the petitioner seeks a direction to the second respondent/DRO to expedite the appeal filed by him against the impugned order.

3. Heard, Mr.K.S.Govinda Prasad, learned counsel for the petitioner and Mr.G.Rajesh, learned Government Advocate for the respondents 1 to 4 and Mr.R.Subramaniam, learned counsel appearing for the respondents 5 & 6.

4. Mr.G.Rajesh, learned Government Advocate appearing on behalf of the respondents 1 to 4 and made a statement on instructions that an enquiry is fixed at 03.00 p.m., on 26.02.2021 at the office of the DRO, the second respondent herein.

5. The said statement of the learned Government Advocate is recorded.

6.The learned counsel for the petitioner would require a further direction to the second respondent to decide the issue based on the decrees of the trial Court and the first appellate Court respectively passed in O.S.No.13 of 2014 and AS.No.21 of 2018.

7.Inasmuch as the enquiry for the appeal has been fixed by the second respondent, both the parties have been litigating for this property, required to produce all the relevant materials before the second respondent, who may decide the issue of granting patta after considering each of the materials placed before him and after issuing notice to all the parties who are likely to be affected by his decision and after providing the parties a fair and effective hearing, to dispose of the petitioner's appeal dated 28.10.2013 through a speaking order within a period of twelve(12) weeks from the date of service of order copy, subject to such time that may be lost in responsibilities connected with the ensuing General Election of the Tamil Nadu State Legislative Assembly, 2021.

8.The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (C.O.)

/True Copy/

Sub Assistant Registrar

To

- 1.The Collector,The Nilgiris District
- 2.The District Revenue Officer, Uthagamandalam,The Nilgiris.
- 3.The Revenue Divisional Officer,Coonoor.
- 4.The Tahsildar,Kothagiri.

+1cc to The Government Pleader SR.NO..10322

AKM/09.03.21/3P-6C/

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