

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.26221 of 2018 &
WMP.No.30442 of 2018

1.Rabiyathul Bashiriya
2.Mumthaj Nisha

...Petitioners

Vs

1. The Presiding Officer under Cultivating
Tenants Protection Act - Cum-
The Deputy Collector (Rev.),
DCR Office, Karaikal.

2.Karunanithi

...Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the first respondent to pass orders on merits in O.P.No.2 of 2013 filed under Section 7 of the Pondicherry Cultivating Tenants Protection Act, 1971.

For petitioner ... Mr.N.A.Nissar Ahmed
For Respondent ... Mr.V.Shanmuga Sundar
Special Government Pleader

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the first respondent to pass final orders on merits and in accordance with law in O.P.No.2 of 2013 filed by the second respondent under section 7 of the Pondicherry City Tenants Protection Act, 1971.

2. It is the case of the petitioner that the property situated in 31, Neravy Village comprised in R.S.No.128/2 old Survey No.479, 478 Bis, 480, 478 bearing Patta No.95 was purchased by the petitioners on 31.03.2008 vide document No.1125 of 2008, SRO, Neravy. According to them, patta and adangal also stands in their name for the aforementioned property. According to the petitioners, the second respondent filed a vexatious petition in O.P.No.2 of 2013 under section 7 of the Pondicherry City Tenants Protection Act, 1971 for execution of lease deed in

his favour. According to them, till date O.P.No.2 of 2013 has not been disposed of. In such circumstances, this writ petition has been filed.

3. Heard Mr.N.A.Nissar Ahmed, learned counsel for the petitioners and Mr.V.Shanmuga Sundar, learned Special Government Pleader for the respondents. Despite service of notice on the second respondent and his name having been printed in the cause list today, there is no representation on the side of the second respondent.

4. On instructions, learned counsel for the petitioners would submit that O.P.No.2 of 2013 filed by the second respondent was posted for orders on 27.07.2015. She would also submit on instructions that no final orders have been passed in O.P.No.2 of 2013 till date. In such circumstances, she seeks for early disposal of O.P.No.2 of 2013 pending on the file of the first respondent.

5. No prejudice will be caused to the respondents, if O.P.No.2 of 2013 filed by the second respondent against the petitioners under section 7 of the Pondicherry City Tenants Protection Act, 1971 is disposed of expeditiously within a time frame to be fixed by this Court.

6. For the foregoing reasons, this Court directs the first respondent to pass final orders in O.P.No.2 of 2013 filed by the second respondent against the petitioners under section 7 of the Pondicherry City Tenants Protection Act, 1971 on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the aforesaid direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

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To

1. The Presiding Officer under Cultivating Tenants Protection Act - Cum- The Deputy Collector (Rev.), DCR Office, Karaikal.

+1cc to M/s.N.A.Nissar Ahmed, Advocate, Sr.No.10466

+1cc to the Government Pleader, SR.No.10898

W.P. No.26221 of 2018

GMI (CO)
KKV/10/03/2021



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