



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 23.02.2021

CORAM

THE HON'BLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.826 of 2021

WEB COPY

Palanivelksamy

... Petitioner

-vs-

The Revenue Divisional Officer,
Tenkasi,
Tenkasi District.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondent to dispose the petitioner's appeal in A46932/2017 in Na.Ka.A6/7400/2015 pending before the respondent within the time fixed by this Court.

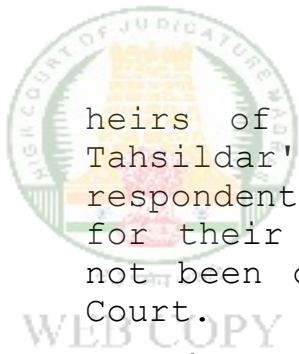
For Petitioner : Mr.G.Thiruvarutselvan
For Respondent : Mr.C.Ramesh
Special Government Pleader

ORDER

The case of the petitioner is that he purchased the property in Survey No.121/6 having an extent of 15 cents. The property being situated in Tenkasi District, Shenkottai Taluk, Karadiparai Village. The property was purchased for valuable consideration in 1972 by the petitioner. Subsequently, his wife also purchased a land to an extent of 5½ cents in the same survey number and she possess 14½ cents totally. The petitioner appears to have obtained joint patta in his and his wife's name and the patta number is 1747.

2.The petitioner while enjoying the right and possession to the property peacefully, at some point of time he felt that there was an attempt to grab the property. In the meanwhile, one Diwan Mohamed filed a suit in O.S.No.173 of 2004 on the file of the District Munsif Court, Shenkottai, for the relief of declaration and injunction. The suit, however, was dismissed and decreed in petitioner's favour. The appeal preferred in A.S.No.45 of 2007 was also dismissed on 25.04.2014. As against that, a second appeal has been preferred and the same is pending before this Court in S.A.(MD)No.176 of 2016.

3.In the meanwhile, the legal heirs of the Diwan Mohamed started disturbing the peaceful possession of the petitioner and in that regard, a criminal case was also registered. In fact, a representation was also made and the Tahsildar vide his proceedings dated 18.07.2017 included the names of those legal



heirs of Diwan Mohamed as joint pattadhars. As against the Tahsildar's orders, an appeal has been preferred before the respondent on 22.08.2017 and notices were issued to the parties for their appearance in the appeal but till date the appeal has not been disposed of. Therefore, the petitioner is before this Court.

4. In this matter, notice was ordered and in response to the notice, Mr.C.Ramesh, learned Special Government Pleader appeared for the respondents.

5. When the matter is taken up for hearing Mr.C.Ramesh, learned Special Government Pleader appearing for the respondents would submit that the appeal which is said to have been preferred by the petitioner has been received and it is pending and action has been initiated for disposal of the appeal. He would submit that the appeal would be disposed of if any direction is issued by this Court as expeditiously as possible.

6. In consideration of the above submission and also considering the limited scope of the prayer itself in the Writ Petition, the Writ Petition stands disposed of as under:

The respondent, before whom the appeal is pending, is directed to dispose of the same on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

SRM
To
The Revenue Divisional Officer,
Tenkasi,
Tenkasi District.

+1 CC to SPL GP (SR-6948[F] dated 24/02/2021)

W.P. (MD) No.826 of 2021

23.02.2021

KM (16.03.2021) 2P 3C