



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.03.2021**

CORAM

THE HONOURABLE MR.JUSTICE **V.PARTHIBAN**

W.P. (MD) No.4077 of 2021

WEB COPY

Peri.Alagappan Ambalam

.. Petitioner

VS

- 1.The District Collector,
Pudukottai District,
Pudukottai.
- 2.The District Revenue Officer,
District Revenue Office,
Iluppur,
Pudukottai District.
- 3.The Tahsildar,
Ponamaravathy Taluk,
Pudukottai District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 2 and 3 to dispose the appeal petition filed by the petitioner in Na.Ka.A3/4716/2020 within the time stipulated by this Court.

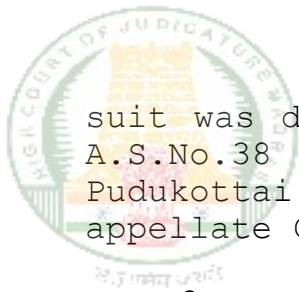
For Petitioner : Mr.D.Sadiq Raja

For Respondents : Mr.C.Ramesh
Special Government Pleader

ORDER

The property comprised in old S.No.158 situated at Aalavayal Village, Ponamaravathy Taluk, Pudukottai District has been classified as "Government Poramboke Natham". The petitioner's grandfather, namely, Alagappan Ambalam, was in peaceful possession and enjoyment of the property for several decades and he planted Tamarind Trees in the said land. According to the petitioner, the revenue records would also show that the property was in possession of his grandfather. After the demise of the petitioner's grandfather, the petitioner's father, namely, Periya Pitchan was in possession and enjoyment of the property. After the demise of the petitioner's father, the petitioner along with his mother have been in possession and enjoyment of the property without any interference.

2.While matter stood thus, it appears that a suit was filed in O.S.No.433 of 1974 before the District Munsif Court, Pudukottai, by third parties seeking the reliefs for declaration, possession and recovery of money. The petitioner herein has been arrayed as 3rd defendant in the said suit and at the time, the petitioner was a minor and therefore, his mother was arrayed as 2nd defendant. The



suit was dismissed on 23.10.1975 and as against that, an appeal in A.S.No.38 of 1976 has been filed before the District Court, Pudukottai. The appeal was also dismissed on 16.12.1978 by the appellate Court.

3. According to the petitioner, the Government have issued G.O.Ms.No.1971, Revenue (SS,II) Department, dated 14.10.1988, whereby, the occupants of Natham Land, who had established their right of ownership, will be granted patta by subdividing the lands. According to the petitioner, Natham patta will be given up to 35 cents, in terms of the proceedings of the Settlement Officer.

4. In view of the above order of the Government and instructions, the petitioner along with his mother preferred an appeal before the 2nd respondent on 24.09.2020 and thereafter, the same has been forwarded to the 3rd respondent for disposal. However, the 3rd respondent has not passed any orders in the appeal. Therefore, the petitioner is before this Court.

5. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner reiterated the above facts and would submit that a direction may be issued to the 3rd respondent to dispose of the appeal within the reasonable time to be fixed by this Court.

6. At this, the learned Special Government Pleader appearing for the respondents, on instructions, would submit that the appeal is still pending before the 3rd respondent and any direction is issued to dispose of the appeal, the same shall be complied with.

7. In view of the above submission of the learned counsel as above, the writ petition is disposed of as under:-

The 2nd respondent, before whom, the appeal dated 24.09.2020 is said to be pending at the instance of the petitioner and his mother, 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.

8. The writ petition therefore stands disposed of. No costs.

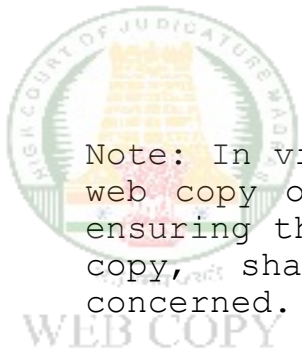
Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Collector,
Pudukottai District,
Pudukottai.
- 2.The District Revenue Officer,
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Iluppur,
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- 3.The Tahsildar,
Ponamaravathy Taluk,
Pudukottai District.

+1 CC to M/s.D.SADIQ RAJA, Advocate (SR-11290[F] dated 16/03/2021)

+1 CC to M/s.SPL GP (SR-11988[F] dated 17/03/2021)

W.P. (MD) No.4077 of 2021
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