



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2021

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.9070 of 2021
and
WMP(MD)No.6834 of 2021

Amirtham

... Petitioner

vs.

- 1)The Revenue Divisional Officer cum Sub Divisional Magistrate,
Sivagangai,
Sivagangai District.
- 2)The Tahsildar,
Ilayangudi Taluk,
Ilayangudi,
Sivagangai District.
- 3)The Executive Engineer,
TANGEDCO,
Manamadurai,
Sivagangai District.
- 4)The Assistant Executive Engineer,
TANGEDCO,
Ilayangudi,
Sivagangai District.
- 5)Sathishkumar
- 6)Meenal

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the 1st respondent to dispose of the appeal filed by the petitioner in Na.Ka.No.A3/4060/2020 on the file of the 1st respondent within a time frame as fixed by this Hon'ble Court by giving opportunity of personal hearing to all the interested parties in the manner known to law besides directing the respondents 3 and 4 not to give any electricity service connection in respect of the punja land comprised in Survey No.289/1C, 289/1B2, 288/8A bearing patta No.838 measuring about 6 acres 80 cents and nanja land comprised in Survey No.288/13B, 185/4B, 251/13B and 254/15B bearing patta No.599 measuring about 1 acre 10 cents situated at Bramanakurichi Village, Kachathanallur Group, Ilayangudi Taluk, Sivagangai District based on any application made by the respondents 5 and 6.



For Petitioner : Mr.B.Prahalad Ravi
For R1 to R4 : Mr.P.Thilak Kumar
Counsel for Government of Tamil Nadu

ORDER

Mr.P.Thilak Kumar, learned Government counsel takes notice for the official respondents. In view of the order going to be passed, notice to the respondents 5 and 6 is not necessary.

2.This writ petition has been filed for issuance of a Writ of Mandamus, directing the 1st respondent to dispose of the appeal filed by the petitioner in Na.Ka.No.A3/4060/2020 on the file of the 1st respondent within a time frame to be fixed by this Court by giving opportunity of personal hearing to all the interested parties in the manner known to law, besides directing the respondents 3 and 4 not to give any electricity service connection in respect of the punja land comprised in Survey Nos.289/1C, 289/1B2, 288/8A bearing patta No.838 measuring about 6 acres 80 cents and nanja land comprised in Survey Nos.288/13B, 185/4B, 251/13B and 254/15B bearing patta No.599 measuring about 1 acre 10 cents situated at Bramanakurichi Village, Kachathanallur Group, Ilayangudi Taluk, Sivagangai District, based on any application made by the respondents 5 and 6.

3.The learned counsel for the petitioner would state that the petitioner and her brother are owners of the abovesaid landed property and they are in possession of the said lands by doing agriculture. The said property originally belonged to the petitioner's grandfather and after his demise, it was devolved on his legal heirs namely, Udayan and Muthu and after their demise, the petitioner and her brother who are their legal heirs, have been in absolute possession and enjoyment of the said property. While so, the 2nd respondent has transferred the patta in respect of the above property in favour of the respondents 5 and 6 without notice to the petitioner and hence, the petitioner filed appeal before the 1st respondent challenging the order granting patta in favour of the respondents 5 and 6. In the meanwhile, the respondents 5 and 6 applied for electricity service connection and the 4th respondent without taking note of the pendency of the petitioner's appeal, is now taking up steps to give electricity service connection. Hence, this writ petition.

4.When the matter is taken up for hearing, the learned counsel for the petitioner would state that it is suffice if a direction is issued to the 1st respondent to dispose of the petitioner's appeal within a time frame, for which, the learned Government counsel for the official respondents agreed.



5. In view of the limited relief sought for, without advertent to the merits of the case, the 1st respondent is directed to dispose of the petitioner's appeal in Na.Ka.No.A3/4060/2020 after affording opportunity of personal hearing to all the parties concerned and pass orders in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Revenue Divisional Officer cum Sub Divisional Magistrate, Sivagangai, Sivagangai District.

2) The Tahsildar, Ilayangudi Taluk, Ilayangudi, Sivagangai District.

3) The Executive Engineer, TANGEDCO, Manamadurai, Sivagangai District.

4) The Assistant Executive Engineer, TANGEDCO, Ilayangudi, Sivagangai District.

+1 CC to M/s.B.PRAHALAD RAVI, Advocate (SR-18634[F] dated 02/06/2021)

ORDER MADE IN

W.P (MD) No.9070 of 2021

DATED : 02.06.2021

se (CO)

TR(05.08.2021) 3P 6C

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