



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.8963 of 2021

Gandhi

...Petitioner

Vs.

1.The District Collector,
Pudukkottai District.

2.The District Revenue Officer,
Pudukkottai District.

3.The Revenue Divisional Officer,
Pudukkottai.

4.The Tahsildar,
Thirumayam Post and Taluk,
Pudukkottai District.

5.Duraisamy

6.Rajendran

7.Sathaiah

8.Ganapathi @ Ganesan

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the second respondent to dispose the appeal pending before the second respondent in Na.Ka.No.D3/11717/2018 within a reasonable time.

For Petitioner : Mr.P.Ganapathi Subramanian

For R1 to R4 : Mr.B.Bhagawathy
Government Advocate

ORDER

This Writ Petition has been filed for the issue of a writ of mandamus directing the second respondent to dispose of the appeal pending in Na.Ka.No.D3/11717/2018 within the time fixed by this Court.

2. The case of the petitioner is that the subject property is an ancestral property and under the settlement scheme, a patta was issued in favour of his grandmother. Thereafter, under the UDR Scheme, a patta came to be issued in favour of the petitioner. The further case of the petitioner is that based on the family



arrangement, the subject property came to be allotted in favour of the petitioner.

3. The grievance of the petitioner is that the name of the respondents 5 to 7 were included in the patta and according to the petitioner, they have no right or title over the subject property. This mistake is said to have been crept in at the time of UDR Scheme.

4. The petitioner, therefore, made a representation and the second respondent through proceedings, dated 24.03.2015, directed the fourth respondent to conduct an enquiry and submit a report. In turn, the fourth respondent directed the Village Administrative Officer to conduct the survey and it is stated that reports were also submitted before the second respondent. The grievance of the petitioner is that the proceedings are pending with the second respondent without any progress. Left with no other alternative, the present Writ Petition has been filed before this Court seeking for appropriate directions.

5. Heard Mr.P.Ganapathi Subramanian, learned Counsel appearing on behalf of the petitioner and Mr.B.Bhagawathy, learned Government Advocate appearing on behalf of the respondents 1 to 4.

6. Taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition, there shall be a direction to the second respondent to proceed further with the enquiry in Na.Ka.No.D3/11717/2018, after affording opportunity to the petitioner and the respondents 5 to 8 and pass appropriate orders strictly in accordance with law, within a period of eight (08) weeks from the date of receipt of a copy of this order.

7. The petitioner is directed to make a fresh representation to the second respondent along with all the relevant documents and also a copy of this order.

8. The Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (AD-II)

// 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,
Pudukkottai District.
- 2.The District Revenue Officer,
Pudukkottai District.
- 3.The Revenue Divisional Officer,
Pudukkottai.
- 4.The Tahsildar,
Thirumayam Post and Taluk,
Pudukkottai District.

+1 CC to M/s.GP (SR-18402[F] dated 03/05/2021)

Order made in
W.P. (MD) .No.8963 of 2021

Dated:

30.04.2021

CN(15.06.2021) 3P 6C