



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.04.2021

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.8943 of 2021

S.L.Jawaharlal

...Petitioner

Vs.

1. The District Revenue Officer,
Theni District, Theni.

2. The Revenue Divisional Officer,
Theni, Theni District.

3. N.Rajendran .

.. Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to dispose of the Revision in Na.Ka.No.20291/2012/D4, within the time stipulated by this Court.

For Petitioner

: Mr.M.C.Swamy

For R-1 & R-2

: Mr.P.Mahendran

Additional Government Pleader

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the first respondent to dispose of the Revision filed by the petitioner pending in Na.Ka.No.20291/2012/D4, within the time stipulated by this Court.

2. The case of the petitioner is that he had purchased the subject property by virtue of a registered sale deed, dated 27.02.2009. The further case of the petitioner is that the patta and chitta was also transferred in the name of the petitioner.

3. The petitioner found that one Pethu Chettiar, was also claiming a share in the property and therefore, the petitioner entered into negotiation and ultimately, he executed a release deed in favour of the petitioner on 19.03.2009.

4. The grievance of the petitioner is that the said Pethu Chettiyar had executed two sale deeds in favour of one Santhanam on 01.04.2009 and 27.04.2009, by cancelling the release deed executed in favour of the petitioner on 19.03.2009. In turn, the said Santhanam executed a sale deed in favour of the third respondent.



5. The third respondent, who had purchased the property, made an application before the Tahsildar, Theni and the patta was transferred in his favour without issuing any notice to the petitioner.

6. The petitioner, thereafter, made a representation before the District Collector and the same was forwarded to the second respondent for necessary action. The second respondent held an enquiry and through proceedings dated 25.11.2009, he is said to have cancelled the patta granted in favour of the third respondent. However, a final order came to be passed on 30.04.2010, wherein, the patta was again transferred in favour of the said Pethu Chettiyan and the third respondent herein.

7. The petitioner thereafter, approached this Court and filed W.P.(MD).No.7011 of 2010 and this Court by an order dated 20.06.2011, setting aside the order passed by the second respondent and remitted the matter back to the file of the second respondent. The second respondent, thereafter, by proceedings, dated 15.05.2012, directed both the parties to redress their grievances before the competent Civil Court.

8. The petitioner, aggrieved by the order of the second respondent, filed a Revision before the first respondent in the year 2012 and the same was taken on file by the first respondent in Na.Ka.No.20291/2012/D4. In the meantime, the third respondent had sold the property in favour of one Tamilarasan and he filed a suit in O.S.No.164 of 2011, before the District Munsif Court, Theni and the same came to be dismissed by Judgment and Decree dated 13.08.2015.

9. The grievance of the petitioner is that there is absolutely no progress in the Revision that is pending before the first respondent and hence, left with no other alternative, the present Writ Petition has been filed before this Court seeking for appropriate directions.

10. Heard Mr.M.C.Swamy, learned counsel appearing on behalf of the petitioner and Mr.P.Mahendran, learned Additional Government Pleader appearing on behalf of the respondents 1 and 2.

11. 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 first respondent to dispose of the Revision pending in Na.Ka.No.20291/2012/D4, after affording opportunity to the petitioner and the third respondent and any other interested persons strictly in accordance with law, within a period of eight (08) weeks from the date of receipt of a copy of this order.



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

13. The Writ Petition stands disposed of with the above directions.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

NOTE:

1. Issue order copy by **04.05.2021**

2. 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 Revenue Officer,
Theni District, Theni.

2. The Revenue Divisional Officer,
Theni, Theni District.

+1 CC to M/s.G.RAJARAMAN, Advocate (SR-18160[F] dated 30/04/2021)

+1 CC to M/s.GP (SR-18405[F] dated 03/05/2021)

Order made in
W.P. (MD) .No.8943 of 2021

Dated:
30.04.2021

CN(04.05.2021) 3P 5C