



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.06.2021

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD)No.9239 of 2021

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Vasanthakumar

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Revenue Divisional Office,
District Court Campus,
Pudukkottai Town and District.

2.The Thasildhar,
Thasildhar Office,
Manamelkudi Taluk,
Pudukkottai District.

3.Thangaraj

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the first respondent to dispose of the appeal filed by the petitioner in Na.Ka.No.4829/2020/A6, dated 31.12.2020.

For Petitioner : Mr.C.Nagamuthu

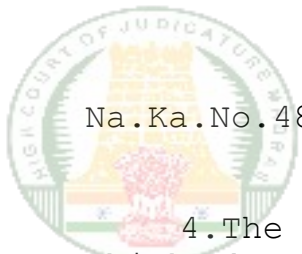
For R1 and R2 : Mr.P.Thillak Kumar,
Standing Counsel for Government

ORDER

Mr.P.Thilak Kumar, learned Standing Counsel for the Government, accepts notice on behalf of the respondents 1 and 2. Notice to the third respondent is dispensed with in view of nature of the order to be passed by this Court.

2.By consent, the Writ Petition is taken up for final disposal at the admission stage itself.

3.This writ petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus, directing the first respondent to dispose of the appeal filed by the petitioner in



Na.Ka.No.4829/2020/A6, dated 31.12.2020.

4.The case of the petitioner is that his grandfather-Chithambaram Pathar and grandmother-Ganagampujam were executed a Will in favour of the petitioner and his brother's name registered as Document No.25/99 at the Sub Registrar Office, Peravurani, dated 25.11.1999. After demise of his paternal grandfather and grandmother, the petitioner and his brother succeeded the said property through Will. In the meantime, the property in Survey No.83/18 to the extent of 8 cents were sold by the petitioner and the remaining of 32 $\frac{2}{3}$ cents are in the petitioner and his brother's possession and enjoyment, in which, his grandfather sold 26 cents in his life time. After the petitioner's father Ravichandran's own brother, namely, Thangaraj/third respondent herein, who was working as Village Administrative Officer mutated patta in his hame in survey No.91/1 to the extent of 0.25.5 arce as per patta No.530 as per subdivision to survey No.91/1A remaining of 0.25.5 arce were also mutated in the name of the petitioner's grandfather-Chithambaram Pathar in the same patta No.111. Hence, the petitioner filed an appeal before the first respondent on 15.12.2020 to issue patta in his name as per Will and after cancelling, the patta entered in the name of the third respondent and his grandfather-Chithambaram Pathar and the same was forwarded to the second respondent on 31.12.2021 in proceedings in Na.Ka.No.4829/2020/A6 to take necessary action. Till date, the second respondent has not disposed the said proceedings, dated 31.12.2021 and to issue patta in the petitioner's name as per Will. Hence, the present Writ Petition came to be filed.

5.The learned counsel for the petitioner would state that it would be suffice if a direction is given to dispose of the appeal filed by the petitioner.

6. The learned standing counsel for the respondents 1 and 2 would state that the dispose of the appeal filed by the petitioner would be considered within a reasonable time.

7.Considering the submissions of the learned counsel for the petitioner as well as the respondents 1 and 2 and in the light of the facts and circumstances of the case, without going into the merits of the case projected by the petitioner either in his appeal or in this Writ Petition, the first respondent is directed to dispose of the appeal filed by the petitioner, dated 31.12.2020 on merits and in accordance with law and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order. Such an exercise shall be done after giving due opportunity to the petitioner as well as to the third respondent and any other persons who may be interested in the subject matter.



8. With the above direction, the writ petition is disposed of.
No costs.

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// True Copy //

Sd/-

Assistant Registrar (CS I)

/ /2021

Sub Assistant Registrar (CS)

sjj

Note: (i) 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,
Revenue Divisional Office,
District Court Campus,
Pudukkottai Town and District.

2. The Thasildhar,
Thasildhar Office,
Manamelkudi Taluk,
Pudukkottai District.

+1 CC to M/s.SPL GP (SR-18951[F] dated
07/06/2021)

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KK(16.06.2021) 3P 4-C