



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :21.06.2021

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.9668 of 2021

Ayyanusamy

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Sankarankovil,
Tenkasi District.

2.The Tahsildar,
Sankarankovil,
Tenkasi District.

... 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 herein to dispose of the petitioner's Appeal dated 28.05.2019 within a stipulated period as fixed by this Court.

For Petitioner : Mr.S.Mandhirlingeswaran

For Respondents : Mr.P.Thillak Kumar,
Standing Counsel

O R D E R

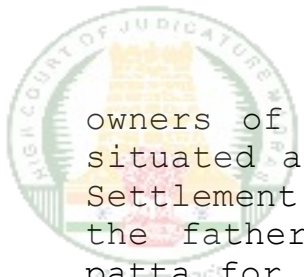
This matter is listed today under the caption, 'for clarification'.

2. Mr.P.Thilak Kumar, learned Standing Counsel for the Government, accepts notice on behalf of the respondents.

3. By consent, the writ petition is taken up for final disposal at the admission stage itself.

4. This writ petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus, directing the first respondent to consider the petitioner's appeal dated 28.05.2019 under the Tamil Nadu Patta Pass Book Act.

5. The case of the petitioner is that the petitioner along with his brothers namely; Karuppasamy and Velusamy are the joint



owners of the land in Old Suvey No.117/1. New Survey No.436/30 situated at Ettichery, Paruvakudi Village by virtue of Registered Settlement Deed in Document No.3446 to 3448 of 2015 executed by the father of the petitioner. For the purpose of getting joint patta for the above said property, the petitioner along with his brothers submitted a representation dated 23.08.2018 to the second respondent, which was subsequently rejected stating that the subject property is classified as 'Government Poramboke' land. Against the said rejection made by the second respondent, the petitioner along with his brothers made an Appeal before the first respondent in person on 28.05.2019. Till date, no action has been taken by the respondent to dispose of the Appeal and it is still pending. Hence, this writ petition.

6. 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.

7. The learned standing counsel for the respondents would state that appeal papers have been received by the 1st respondent only on 19.06.2021, due to bifurcation of Tirunelveli District into Tenkasi District. He would further submit that the Appeal filed by petitioner would be considered within a reasonable time.

8. Considering the submissions of the learned counsel for the petitioner as well as the respondents and in the light of the facts and circumstances of the case, without going into the merits of the case projected by the petitioner, the first respondent is directed to dispose of the appeal filed by the petitioner, dated 28.05.2019, 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. It is also made clear that if there are any other interested parties claiming right over the subject property, they shall also be issued notice and opportunity shall be given to raise their objections, if any. The copy of the Appeal shall be enclosed with the copy of this order.

9. With the above direction, the writ petition is disposed of. No Costs.

Sd/-

Assistant Registrar (CS-I)

// 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 Revenue Divisional Officer,
Sankarankovil, Tenkasi District.
- 2.The Tahsildar,
Sankarankovil, Tenkasi District.

Order made in
W.P (MD) No.9668 of 2021
21.06.2021

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KM(01.07.2021) 3P 3C