



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **04.06.2021**

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD) No. 9573 of 2021

WEB COPY

Narayanan

... Petitioner

Vs.

1. The District Revenue Officer,
Collectorate Complex,
Virudhunagar,
Virudhunagar District.

2.The Revenue Divisional Officer,
Aruppukkottai,
Virudhunagar District.

3.The Thasildar,
Taluk Office,
Aruppukkottai,
Virudhunagar District.

4.Adaikkalam

... 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 the petitioner's appeal, dated 05.10.2020 filed against the second respondent order of Na.Ka.No. AA1/140/2020, dated 06.08.2020.

For Petitioner : Mr.R. Murugappan

For Respondents : 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.

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

3. This Writ Petition has been filed for the issuance of a Writ of Mandamus, directing the first respondent to dispose the petitioner's appeal, dated 05.10.2020 filed against the second respondent order of Na.Ka.No. AA1/140/220, dated 06.08.2020.



4. The case of the petitioner is that the property situated in Survey Nos. 257/1, 257/3, Puliyan Village, Aruppukkottai Taluk, Virudhunagar District belongs to his father Vellaisami, who was died on 10.06.1970 left behind him and 4 others as his legal heirs. The 4th respondent herein is no way connected with the aforesaid property, but he has obtained patta in his name as Patta No.47 during UDR Scheme by producing fake documents and impersonation. After knowing the same, the petitioner has sent a representation dated 25.07.2019 for cancelling the same. As the same was not considered, he has filed a writ petition in W.P(MD) No.18336 of 2019, to consider the petitioner's representation. This Court vide order dated 25.07.2019, has directed the second respondent to consider the petitioner's representation, within a period of eight weeks. Thereafter, the second respondent has conducted an enquiry and passed an order dated 06.08.2020 in favour of the 4th respondent, but, they had not stated anything about the village Revenue records produced by him. According to him, as per UDR Scheme, the 1st respondent is only a competent authority to pass an order. Therefore, he sent an appeal dated 05.10.2020 to cancel the said patta issued in favour of the 4th respondent, but the same has not been considered so far. Hence, this writ petition.

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 would state that the appeal filed by petitioner would be considered within a reasonable time.

7. 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 respondents are directed to dispose of the appeal filed by the petitioner, dated 05.10.2020, 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

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

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



trp

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 Revenue Officer,
Collectorate Complex,
Virudhunagar,
Virudhunagar District.

2.The Revenue Divisional Officer,
Aruppukkottai,
Virudhunagar District.

3.The Thasildar,
Taluk Office,
Aruppukkottai,
Virudhunagar District.

+1 CC to M/s.SPL GP (SR-18929[F] dated 07/06/2021)

W.P (MD) No. 9573 of 2021
04.06.2021

KK(21.06.2021) 3P 5C