



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.06.2021

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.9651 of 2021

W.M.P(MD).No.7394 of 2021

WEB COPY

S.S.Janarthanan

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The District Revenue Officer,
Office of the DRO,
Thoothukudi District.

3.The Revenue Divisional Officer,
Beach Road,
Thoothukudi District.

4.The Revenue Tahsildar,
Thoothukudi Taluk,
Thoothukudi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the second respondent to dispose of the appeal in proceedings No.01-21574/2013 filed by the petitioner and his family members within a time frame fixed by this Court.

For Petitioner

: Mr.Niranjan S.Kumar

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 by the petitioner seeking for issuance of a Writ of Mandamus, directing the second respondent to dispose of the appeal in proceedings No.01-21574/2013 filed by the petitioner and his family members within a time frame fixed by this Court.



4. The case of the petitioner is that the land to an extent of 1.62 acres in Survey No.509/6 in Kumaragiri Village, Thoothukudi Taluk was assigned by the Government to the mother of the petitioner namely Kasikaniammal vide order dated 27.12.1969 and Patta Pass Book was also issued in favour of his mother. After the death of his mother, the petitioner applied for computer Patta in the year 2009. At that time, the land in Survey No.509/6 was shown as "Assessed Waste". It is pertinent to note that no notice was served to the petitioner and his family members, regarding cancellation of Patta. A communication was sent by the respondents to the petitioner on 10.12.2009, enclosing a photocopy of "A" register with an endorsement as if the Patta in the name of the petitioner's mother was cancelled. Therefore, the petitioner was constrained to file a writ petition before this Court in W.P(MD).No.14882 of 2012 to restore/transfer the Patta in the name of the petitioner. This Court has granted an order of interim injunction, restraining the respondents from assigning the said land in favour of any third party, till the disposal of the writ petition and directed the 3rd and 4th respondents to conduct an enquiry, after affording opportunity to the petitioners therein and pass orders on merits in tune with the recommendation made by the 1st respondent. But the fourth respondent, without affording any personal hearing, has passed an order vide proceedings Ref.No.Na.Ka.Aa2/15992/2017 dated 12.02.2018. Aggrieved by the said order, the petitioner approached this Court in W.P.(MD).No.6919 of 2018, wherein this Court has set aside the impugned order of the 4th respondent and restore the revenue records in favour of the petitioner's mother within six weeks. After receiving the copy of the order passed by this Court, the petitioner made representation enclosing the copy of the order and requested the Tahsildar to restore the Patta. But, the 4th respondent has passed an order dated 03.08.2018 rejecting his claim, in which, the 4th respondent referred the order passed by the Sub-Collector, Thoothukudi, wherein, the Sub-Collector, cancelled the assignment granted in favour of the petitioner's mother and he served the copy of the order to the petitioner. Aggrieved by the said order, the petitioner and his family members filed an appeal before the second respondent and the same is pending in proceedings No..01-21574/2013. Even though the petitioner appeared before the second respondent on two occasions and argued the case in length and submitted his written arguments, till date, the same is pending before the second respondent without any progress. Hence, the petitioner, left with no other option, has approached this Court by way of a writ petition. Hence, the present writ petition has been 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 would state
<https://hcc.mca.gov.in/boards/> 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 second respondent is directed to dispose of the appeal in proceedings No.01-21574/2013, 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. In the meanwhile, the respondents are directed to maintain status quo, till the disposal of the appeal.

8. With the above direction, the writ petition is disposed of. No Costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ssb

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 District Collector,
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4.The Revenue Tahsildar,
Thoothukudi Taluk,
Thoothukudi District.

+1 CC to M/s.NIRANJAN S. KUMAR, Advocate (SR-18776[F] dated
04/06/2021)

+1 CC to M/s.SPL GP (SR-18945[F] dated 07/06/2021)

W.P(MD)No.9651 of 2021
04.06.2021

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