



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.06.2021

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.9730 of 2021

and

W.M.P(MD)No.7429 of 2021

WEB COPY

M.Ramasamy Thevar

... Petitioner

Vs.

1.The District Revenue Officer,
Ramanathapuram District,
Ramanathapuram.

2.The Tahsildar,
Mudukulathur Taluk,
Mudukulathur,
Ramanathapuram District.

3.The Sub-Inspector of Police,
Peraiyur Police Station,
Kamuthi Taluk,
Ramanathapuram District.

4.Karuppiah Thevar

... Respondents

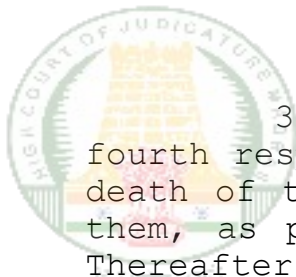
PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 1st respondent to dispose the petitioner's appeal dated 30.06.2017 on the file of the 1st respondent vide Na.Ka.P5/30373/2017, filed under the Tamil Nadu Patta Pass Book Act, within stipulated time as fixed by this Court.

For Petitioners : Mr.Raja Karthikeyan
For R1 to R3 : 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 to 3.

2. This writ petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus, directing the first respondent to dispose the petitioner's appeal, dated 30.06.2017 on the file of the first respondent vide Na.Ka.P5/30373/2017, filed under the Tamil Nadu Patta Pass Book Act, within the stipulated time.



3. The case of the petitioner is that the petitioner and the fourth respondent are the sons of one Madasamy Thevar and after the death of the said Madasamy Thevar, the properties were devolved on them, as per partition and the revenue records were also mutated. Thereafter, the petitioner has gifted 20.5 cents of land in Survey No.114/3A, to the fourth respondent, but contrary to the said gift deed, the revenue authority has mutated the revenue records for the entire 41 cents of land in favour of the fourth respondent and issued patta issued in his favour for 41 cents. Therefore, the petitioner has filed an appeal before the Revenue District Officer, Paramakudi, for cancellation of patta. On 28.12.2015, the Revenue Divisional Officer directed the petitioner to prefer an appeal before the first respondent, for UDR correction. Pursuant to which, the petitioner has filed an appeal before the first respondent, on 30.06.2017 to rectify the mistake in UDR Survey Village Records in Survey Nos.114/3A, (114/3C). Subsequently, the first respondent has issued enquiry notice, dated 13.07.2017 and 18.04.2018 and the petitioner has also appeared before the enquiry and submitted the relevant documents. However, no order has been passed, till date. Hence, the present writ petition is filed.

4. The learned counsel for the petitioner would state that it would be suffice if a direction is given to dispose the petitioner's appeal, dated 30.06.2017.

5. The learned standing counsel for Government appearing for the respondents 1 to 3 would state that the petitioner's appeal would be disposed of within a time frame.

6. Considering the submissions of the learned counsel for the petitioner as well as the respondents and without adverting to the merits of the case, the first respondent is directed to consider the appeal filed by the petitioner, dated 30.06.2017, 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.

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

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Revenue Officer,
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Ramanathapuram.

2.The Tahsildar,
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Mudukulathur,
Ramanathapuram District.

3.The Sub-Inspector of Police,
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Ramanathapuram District.

+1 CC to M/s.SPL GP (SR-18820[F] dated 04/06/2021)

W.P (MD) No.9730 of 2021
03.06.2021

KB(18.06.2021) 3P 5C