



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.10519 of 2021

S.Murugesh

... Petitioner

Vs.

1.The District Revenue Officer,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Madurai Collectorate,
Madurai.

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to conclude enquiry and pass final orders in the reference made by the 1st respondent to the 2nd respondent vide his proceedings in Mu.Mu.43899/2018/G5, dated 16.09.2020, within the time that may be stipulated by this Court.

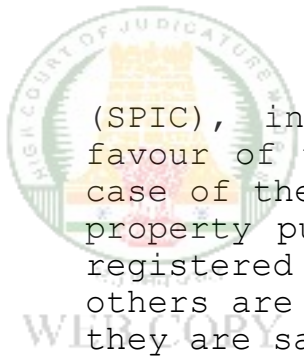
For Petitioner : Mr.M.Mahaboob Athiff

For Respondents : Mr.M.Lingadurai
Government Advocate

ORDER

This writ petition has been filed for the issue of Writ of Mandamus directing the second respondent to conclude the enquiry and pass final orders in line with the proceedings of the first respondent, dated 16.09.2020.

2.The case of the petitioner is that the Madurai Corporation conveyed the subject property in favour of one Shri Rao Bahadur P.Rangasamy Naidu, through a registered sale deed, dated 28.09.1945. He in turn conveyed the property in the year 1955 in favour of one S.Balasubramaniam. The said S.Balasubramaniam, thereafter, partitioned the property and the subject property was allotted in favour of one Gopinath. The said Gopinath sold one portion of the property to Southern Petrochemical Industries Corporation Limited



(SPIC), in the year 2003 and the remaining portion was sold in favour of the petitioner and others in the year 2009. The further case of the petitioner is that SPIC also conveyed the portion of the property purchased by them, to the petitioner and others through a registered sale deed, dated 02.12.2009. Thus the petitioner and others are claiming ownership and title over the entire property and they are said to be in possession and enjoyment of the same.

3.It is stated that the Tahsildar through proceedings, dated 24.08.2016, mutated the revenue records and issued patta in favour of the petitioner and others based on the title documents. The grievance of the petitioner is that the second respondent namely Revenue Divisional Officer by an order, dated 04.01.2017, unilaterally cancelled the mutation without affording any opportunity to the petitioner and others. The petitioner, therefore, filed a revision before the first respondent and the first respondent through proceedings, dated 17.12.2018, called for a report from the second respondent and the second respondent also filed a report.

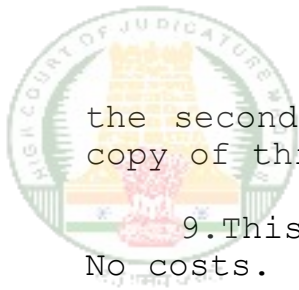
4.Thereafter, the first respondent through proceedings, dated 16.09.2020, after considering the entire materials and also the report of the second respondent, came to a conclusion that the patta granted by the Tahsildar was in order and directed the second respondent to pass orders with regard to the transfer of patta in the name of the petitioner and others.

5.The grievance of the petitioner is that in spite of the proceedings of the first respondent, the second respondent did not pass any orders. The petitioner made a representation, on 10.05.2021, in this regard and the same also did not evoke any response. Left with no other alternative, the present writ petition has been filed before this Court, seeking for appropriate directions.

6.Heard Mr.M.Mahaboob Athiff, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Government Advocate, appearing for the respondents.

7.Taking into consideration the facts and circumstances of this case and also the proceedings of the first respondent, dated 16.09.2020 and the report submitted by the second respondent, on 31.12.2019, there shall be a direction to the second respondent to pass appropriate orders, within a period of six weeks from the date of receipt of a copy of this order.

<https://hcservices.court.gov.in/> 8.The petitioner is directed to make a fresh representation to



the second respondent along with all relevant documents and also a copy of this order.

9.This writ petition is disposed of with the above directions.
No costs.

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Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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,
Madurai District,
Madurai.
- 2.The Revenue Divisional Officer,
Madurai Collectorate,
Madurai.

+1 CC to M/s.SPL GP (SR-20332[F] dated 25/06/2021)

**W.P. (MD) .No.10519 of 2021
24.06.2021**

KK(01.07.2021) 3P 4C