



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.13376 of 2021

and

W.M.P(MD) .No.10338 of 2021

WEB COPY

J.Caroth Benham Saron Jefferson and
Julie Jefferson,
Rep. By Power Agent
J.Eliyeser Joseph.

... Petitioner

Vs.

1. The District Revenue Officer,
O/o. The District Revenue Officer,
Tirunelveli District, Tirunelveli.
2. The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Cheran Mahadevi, Tirunelveli District.
3. The Tahsildar,
Taluk Office,
Nanguneri Taluk & Post,
Tirunelveli District.
4. The Zonal Deputy Tahsildar-1,
Taluk Office,
Nanguneri Taluk and Post,
Tirunelveli District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, direct the second respondent to consider the petitioner's appeal dated 06.08.2019 and to pass final orders within a stipulated time may be fixed by this Court and consequently direct the respondents to issue separate patta in the name of petitioner's principal in respect of property situated in S.No.52/1 and 52/2 in Rajakkamangalam Village, Nanguneri Taluk, Tirunelveli District by considering the Sale Deed made in Document No.3076/2005 dated 23.11.2005 on the file of the Sub Registrar office, Vallioor in the light of the judgment and decree dated 29.10.2015 made in O.S.No.53/2010, on the file of the Hon'ble Principal District Munsif-cum-Judicial Magistrate Court, Nanguneri.

For Petitioner	: Mr.M.Saravanakumar
For Respondents	: Mr.P.Subbaraj, Counsel for State for R1 to R4



O R D E R

The petitioners seek the expeditious disposal of the appeal filed before the second respondent on 06.08.2019.

2.The petitioners state that they had purchased land of a total extent of about 15 acres 55 cents. It is alleged that one Mr.Perumal relied upon a forged power of attorney and obtained orders for the subdivision of the property in Survey Nos.52/1 and 52/2. Subsequently, it is alleged that further subdivision was made at the behest of Mr.S.Murugesan.

3.Learned counsel for the petitioners submits that the petitioners filed a civil suit in O.S.No.53 of 2010 and based on orders passed by the civil court had approached the second respondent for rectification of the relevant revenue records. On such basis, rectification was carried out to the extent that the names of certain persons whose names had been wrongly entered therein was deleted, but separate patta was not issued in favour of the petitioners. Therefore, the petitioners had approached the fourth respondent in such connection, but the fourth respondent erroneously rejected the application of the petitioner. The appeal before the second respondent was filed in such facts and circumstances on 22.07.2019.

4.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents and states that the second respondent may be directed to consider and dispose of the pending appeal within a reasonable time frame.

5.Accordingly, without going into the merits of the matter, the second respondent is directed to consider and dispose of the appeal filed by the petitioner on 06.08.2019. Such appeal shall be decided by taking into consideration all material documents that are produced before the appellate authority and after providing a reasonable opportunity of hearing both to the petitioners and to persons making a claim in respect of the said property. Such reasoned order shall be passed within a period of three months from the date of receipt of a copy of this order.

6.W.P(MD).No.13376 of 2021 is disposed of on these terms without any order as to costs. Consequently, W.M.P(MD).No.10338 of 2021 is closed.

Sd/-

Assistant Registrar (CS II)

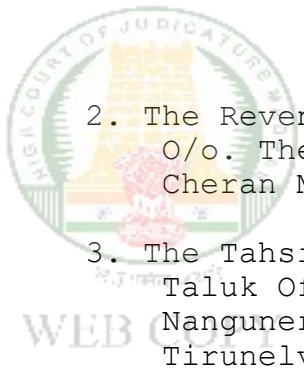
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/ /2021

Sub Assistant Registrar(CS)

To

1. The District Revenue Officer,
O/o. The District Revenue Officer,
Tirunelveli District, Tirunelveli.



2. The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Cheran Mahadevi, Tirunelveli District.

3. The Tahsildar,
Taluk Office,
Nanguneri Taluk & Post,
Tirunelveli District.

4. The Zonal Deputy Tahsildar-1,
Taluk Office,
Nanguneri Taluk and Post,
Tirunelveli District.

+1CC to Mr.M.Saravanakumar, Advocate (SR25286)

+1CC to Special Government Pleader (SR25185)

W.P. (MD) No.13376 of 2021

03.08.2021

PS

RS (12.08.2021) 3P-7C