



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2021

CORAM

THE HON'BLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD) No.14653 of 2021

and

W.M.P.(MD).No.11583 of 2021

WEB COPY

Kottaisamy

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Ramnad, Ramnad District.

2.The Thasildar,
***R.S Mangalam Taluk,**
Ramnad District.

3.Naganathan

4.Duraimurugan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to conclude the enquiry in the appeal petition presented by the petitioner on 23.07.2021 through online within a time frame and further direct the second respondent to keep in abeyance the survey process in S.No.1/1B as per his notice issued in Na.Ka.S.1/19/2021 dated 23.07.2021 till the conclusion of enquiry by the first respondent.

For Petitioner : Mr.D.Venkatesh

For Respondents : Mr.P.Subbaraj,

Counsel for the State for R1 & R2

O R D E R

The petitioner seeks the expeditious disposal of the appeal filed before the first respondent herein for cancellation of the patta issued to the third and fourth respondents in respect of Survey No.1/1B at the Revenue Village, Cuddalore, Rajasingamangalam Taluk, Ramanathapuram District.

2. The petitioner claims that he is the owner of about 1 acre in original Survey No.1/1, which was subsequently sub-divided as Survey No.1/1A and 1/1C. The petitioner cites joint patta No.1616 in the names of 8 persons in support of his petition. The petitioner's contention is that the entire extent of more than 7 acres in original Survey No.1/1 is covered by the sub divided Survey No.1/1A and 1/1C. Consequently, the petitioner alleges that the further sub division thereof into Survey No.1/1B and the grant of patta in



respect thereof in favour of the third and fourth respondents is unlawful. Accordingly, the petitioner states that he submitted an appeal before the first respondent on 23.07.2021. The present writ petition is filed for the expeditious disposal thereof.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the first and second respondents. He states that the first respondent may be directed to dispose of the pending appeal expeditiously. In this regard, he also points out that his instructions are that the appeal dated 23.07.2021 was not received by the first respondent and that a copy of the same may be enclosed and forwarded along with a copy of the order in this proceeding.

4. The limited relief prayed for in the present writ petition is for the expeditious disposal of the appeal presented before the first respondent on 23.07.2021. On account of the fact that learned counsel for the State submits that such appeal was not received, the petitioner is permitted to enclose a copy of the appeal along with the copy of this order and forward the same to the first respondent for necessary action.

5. In the facts and circumstances set out above, W.P.(MD). No.14653 of 2021 is disposed of by directing the first respondent herein to consider the appeal filed by the petitioner on 23.07.2021 and dispose of the same by a reasoned order within a period of three months from the date of receipt of a copy of this order, after providing a reasonable opportunity to the petitioner, respondents 3 and 4 herein and any other parties to such appeal. The petitioner is permitted to seek interim orders to prevent the conduct of a survey before the first respondent. If such petition is received by the first respondent, the first respondent is directed to dispose of such petition within a period of 10 days from the date of receipt thereof. On account of the fact that the merits of the matter have not been examined and in view of the nature of relief granted, the writ petition is disposed of without notice to the private respondents. Consequently, connected W.M.P.(MD).No.11583 of 2021 is also closed. There will be no order as to costs.

Sd/-

Assistant Registrar (CS I)

(*) R2-Cause title amended vide Court order dated 03/09/2021, in WMP(MD)No.12469/2021 in WP(MD)No.14653/2021, by SKRJ

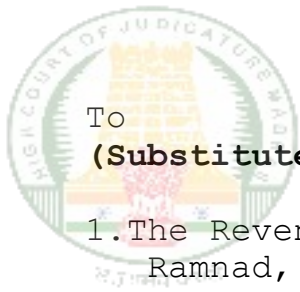
Sd/-

Assistant Registrar (CS II)

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/ /2021

Sub Assistant Registrar(CS)



To
(Substitute the order despatched already on 01/09/2021)

1.The Revenue Divisional Officer,
Ramnad, Ramnad District.

2.The Thasildar,
R.S Mangalam Taluk,
Ramnad District.

+1CC to The Special Government Pleader (SR28210)

W.P. (MD) No.14653 of 2021

and

W.M.P. (MD) .No.11583 of 2021

18.08.2021

MGJ(27.08.2021) 3P 4C

RS (13.09.2021) 3P 4C