



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.15548 of 2021

WEB COPY

A.Xavier

... Petitioner

Vs.

1.The District Collector,
Collectorate, Dindigul District.

2.The Revenue Divisional Officer,
The Revenue Divisional Office,
Dindigul, Dindigul District.

3.The Tahsildar,
Nilakottai Taluk,
Dindigul District.

4.P.Sahayaselvi

5.S.Duraipandi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to dispose of the appeal dated 31.08.2020 preferred by the petitioner and to cancel the forged patta created by the respondent Nos.4 and 5 in Patta Nos.3483 and 3508 situated in the land in Survey No.42/7 to an extent of 0.54.00 Hec, Kottur Village, Nilakottai Taluk, Dindigul District, within the time stipulated by this Court.

For Petitioner : Mr.I.Pinaygash

For R-1 to R-3 : Mr.P.Subbaraj,
Counsel for State

ORDER

The petitioner seeks the expeditious disposal of an appeal filed under Section 12 of the Patta Passbook Act, 1983.

2. The petitioner traces title to the properties bearing Survey Nos.42/7 and 42/8, Kottur Village, Nilakottai Taluk, Dindigul District through his grandfather. A joint patta in the name of his father and uncles is relied upon. According to the petitioner, the fourth and fifth respondents herein have unlawfully obtained a patta. Therefore, the petitioner filed an



appeal under Section 12 of the Patta Passbook Act, 1983 for cancellation thereof. 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 respondents 1 to 3. He submits that the second respondent may be directed to consider and dispose of the appeal on merits within a reasonable time frame.

4. The petitioner has enclosed the joint patta in the name of his father and others. The appeal filed before the second respondent is also enclosed. Such appeal has been filed in August 2020. Therefore, the petitioner has made out a case for the expeditious disposal thereof.

5. Accordingly, without going into the merits of the matter, the second respondent herein is directed to consider the petitioner's appeal dated 31.08.2020 and dispose of the same by a reasoned order in accordance with law after providing a reasonable opportunity to the petitioner, the fourth and fifth respondents herein and any other parties to such appeal. Such reasoned order shall be issued within a period of three (3) months from the date of receipt of a copy of this order. On account of the fact that the merits of the matter have not been examined and because the second respondent has been directed to hear the fourth and fifth respondents, the Writ Petition is disposed of without notice to the private respondents.

6. W.P.(MD).No.15548 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/LM

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 Collector,
Collectorate, Dindigul District.

2.The Revenue Divisional Officer,
The Revenue Divisional Office,
Dindigul, Dindigul District.

3.The Tahsildar,
Nilakottai Taluk,
Dindigul District.

+1 CC to M/s.SPL GP (SR-28067[F] dated 03/09/2021)

W.P (MD) No.15548 of 2021
02.09.2021

SMV (CO)
SB(13.09.2021) 3P 5C