



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 07.09.2021
CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

WEB COPY

W.P(MD).No.15944 of 2021

Mr.K.Anbazhagan

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Kumbakonam,
Thanjavur District.

2.Mrs.Vennila

3.M.Prabaharan

4.M.Jeyakumar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the first respondent to consider the petitioner appeal dated 29.07.2021 and to cancel the patta granted in favour of the respondents 3 and 4 regarding the landed property admeasuring 18 cents comprised in Old survey No.260/12, New Survey No.279/13, Innambur Village, Kumbakonam Taluk, Thanjavur District and to restore the same in favour of the petitioner and other original patta holders after conducting enquiry within a period stipulated by this Court.

For Petitioner : Mr.P.Sesubalan Raja

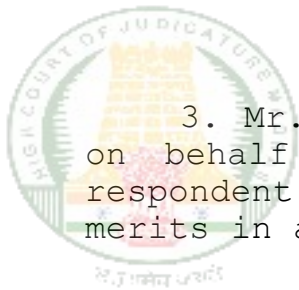
For Respondents : Mr.P.Subbaraj

Counsel for the State for R1

ORDER

The petitioner seeks the expeditious disposal of the appeal filed before the first respondent.

2. The petitioner claims title to the property bearing old survey No.260/12, new survey No.279/13, Innambur Village, Kumbakonam Taluk, Thanjavur District. According to the petitioner, the patta in respect of the above property was issued under patta No.542 to 21 persons. Subsequently, it is stated that a patta was granted unlawfully in respect of such property to the second respondent who, in turn, executed the settlement deed in favour of the third and fourth respondents. The appeal before the first respondent was filed in such facts and circumstances.



3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the first respondent. He submits that the first respondent may be directed to consider and dispose of the appeal on merits in accordance with law.

4. The petitioner has enclosed the chitta in respect of the above mentioned property. He has also enclosed a copy of the appeal filed before the first respondent seeking cancellation of the patta issued to the second respondent. Given the limited scope of the present writ petition it is not necessary to examine the merits thereof.

5. Accordingly, without going into the merits of the matter, the first respondent herein is directed to consider the appeal filed by the petitioner on 29.07.2021 and dispose of the same on merits in accordance with law within a period of four months from the date of receipt of a copy of this order. Before disposing of such appeal, a reasonable opportunity should be provided to the petitioner and the private respondents herein. On account of the fact that the merits of the matter have not been gone into and because the first respondent is directed to hear the private respondents before deciding the appeal, the writ petition is disposed of without notice to the private respondents.

6. W.P.(MD).No.15944 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sbm

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

The Revenue Divisional Officer,
Kumbakonam, Thanjavur District.

+1 CC to M/s.GP (SR-28507[F] dated 08/09/2021)

W.P(MD).No.15944 of 2021

07.09.2021

RD(16.09.2021) 2P 3C