



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.09.2021

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WEB COPY

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.16406 of 2021

A. Thowlath Nooriya

... Petitioner

Vs.

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

2.The Revenue Divisional Officer,
O/o Revenue Divisional Officer,
Ramanathapuram.

3.The Tahsildhar,
O/o Tahsildhar,
Ramanathapuram.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent for a speedy disposal of Appeal filed by the petitioner in Application No.1043206/2019/CS dated 02.11.2019 on the file of first respondent and to fix the time frame stipulated by this Court.

For Petitioner	:	Mr.S.Vidhya Sagar
For Respondents	:	Mr.P.Subbaraj, Counsel for State

ORDER

The petitioner seeks the speedy disposal of an appeal filed before the first respondent with regard to alleged discrepancies between the settlement records and UDR records.

2. According to the petitioner, the property comprised in Survey No.423/4 belonged to one Kuraisha Bheevi. The said property was unlawfully dealt with by one Noor Mohamed, who is said to have taken advantage of the similarity of his name with that of the petitioner's great-grandfather, namely, S.Noor Mohamed. On such basis, the petitioner states that Noor Mohammed procured the alteration of the relevant revenue records and thereafter transferred the property to his son Mohamed Sulthan. In such



circumstances, the petitioner had applied for rectification of the said discrepancies. An earlier Writ Petition in W.P.(MD).No.12022 of 2021 was filed in this connection. On account of inadvertence, the petitioner states that such petition was only filed against the jurisdictional Revenue Divisional Officer and Tahsildar, whereas the power to rectify discrepancies in the UDR records is vested in the jurisdictional District Revenue Officer, in terms of G.O.(MS). No.385, Revenue Public Department dated 17.08.2004. On account of the fact that an application bearing No.1043206/2019/CS dated 02.11.2019 had been filed before the first respondent District Revenue Officer, the present Writ Petition is filed for the speedy disposal of such appeal.

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

4. Keeping in mind the limited scope of the present Writ Petition, it is not necessary to enter findings on the merits thereof. It is sufficient if the first respondent is directed to dispose of the appeal within a reasonable time frame.

5. Accordingly, without going into the merits of the matter, the first respondent herein is directed to consider the petitioner's appeal bearing application No.1043206/2019/CS dated 02.11.2019 after providing a reasonable opportunity to the petitioner, Noor Mohamed, Mohamed Sulthan and any other parties thereto. Such appeal shall be disposed of within a period of three (3) months from the date of receipt of a copy of this order.

6. W.P.(MD).No.16406 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (AS)

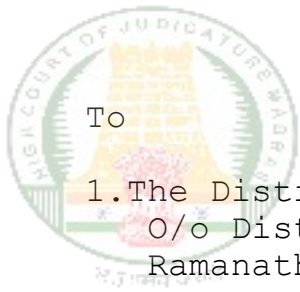
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/ /2021

Sub Assistant Registrar(CS)

tsg/nsr

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,
O/o District Revenue Officer,
Ramanathapuram.

2.The Revenue Divisional Officer,
O/o Revenue Divisional Officer,
Ramanathapuram.

3.The Tahsildhar,
O/o Tahsildhar,
Ramanathapuram.

+1 CC to M/s.S.VIDHYASAGAR, Advocate (SR-29183[F] dated
15/09/2021)

+1 CC to M/s.SPL. GP (SR-29325[F] dated 16/09/2021)

W.P (MD) No.16406 of 2021
15.09.2021

NSN (CO)
KB (24.09.2021) 3P 6C