



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P (MD) No.16722 of 2021

N.A.M.Mohammed Ayup Khan

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Sivagangai,
Sivagangai District.

2.The Tahsildar,
Taluk Office,
Ilayangudi,
Sivagangai District.

... 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 to dispose the Appeal No.Na.Ka(A3) 6648/2013 pending on the file of the first respondent in a time bound manner.

For Petitioner : Mr.D.Senthil
For Respondents : Mr.P.Subbaraj,
Counsel for State.

ORDER

The petitioner seeks the expeditious disposal of an appeal filed under Na.Ka(A3)6648/2013 pending on the file of the first respondent.

2. The petitioner states that the property bearing Survey No.351/1 of an extent of 52 Cents in Sothugudi Village, Ilayangudi Taluk originally belonged to one Syed and that during the UDR period, the patta was issued to him. Upon his death, it is stated that his in-laws inherited the property. His mother-in-law, Rasool Beevi, is said to have executed a settlement deed in his favour on 02.09.1997. The petitioner claims title on such basis.

3. According to the petitioner, his uncle, Jaffer, sold about 34 Cents to one Asai Thambi. On such basis, the said Asai Thambi obtained a patta under proceedings dated 14.09.2000. The petitioner alleges that such patta was issued without properly verifying the record and that, therefore, such patta has been



issued in respect of the total extent of the property including the lands belonging to the petitioner. The appeal before the first respondent was filed in such facts and circumstances.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of both the respondents. He produces a communication dated 18.09.2021 from the first respondent in terms of which an inquiry has been scheduled on 06.10.2021 at 3.00 P.M. Therefore, he submits that the appeal may be directed to be disposed of within a reasonable time frame.

5. Given the limited scope of the Writ Petition, it is not necessary to examine or record findings on the merits thereof. Instead, it is sufficient if the first respondent is directed to dispose of the pending appeal quickly.

6. Accordingly, without going into the merits of the matter, the first respondent herein is directed to dispose of the pending appeal within a period of three (3) months from the date of receipt of a copy of this order after providing a reasonable opportunity to the petitioner and to the other parties to such appeal.

7. W.P.(MD).16722 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 Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Sivagangai, Sivagangai District.



2.The Tahsildar,
Taluk Office,
Ilayangudi,
Sivagangai District.

+1 CC to M/s.SPL. GP (SR-29757[F] dated 21/09/2021)

**W.P (MD) Nos .16722 of 2021
20.09.2021**

NSN (CO)
SB(29.09.2021) 3P 4C