



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.16864 of 2021

WEB COPY

B.Maragadham

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Sivagangai.

2.The Tahsildar,
Sivagangai Taluk,
Sivagangai.

... 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 of the petitioner's appeal pending on his file vide case No.4486 which was taken on file on 11.08.2017 as expeditiously as possible.

For Petitioner : Mr.R.Anand

For Respondents : Mr.P.Subbaraj
Counsel for State

ORDER

The petitioner seeks the expeditious disposal of Appeal bearing case No.4486, which was filed before the first respondent on 11.08.2017.

2.The petitioner states that her father, the late Pitchai Servai, owned two properties bearing Survey Nos.25/27A and 25/27B at Payurpillai Group, Sivagangai District. Upon his death, it is stated that his class I legal heirs were the petitioner, her mother, two brothers and another sister. Subsequently, it is stated that the petitioner's mother passed away on 16.02.2006. In these circumstances, the petitioner alleges that her brother, Periyasamy, clandestinely approached the second respondent and obtained a separate patta in his name in respect of the property bearing Survey No.25/27A. As regard Survey No.25/27B, it is stated that a patta was obtained in favour of the brother's daughter pursuant to settlement deed dated 25.06.2016. The appeal before the first respondent was filed in such facts and circumstances seeking cancellation of the said pattas. 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 both the respondents. He submits that the first respondent may be directed to consider and dispose of the appeal on merits within a reasonable time.

4.Given the limited scope of the present writ petition, it is not necessary to enter findings on the merits thereof. Instead, it is sufficient if the first respondent herein is directed to dispose of the pending appeal expeditiously.

5.Accordingly, without going into the merits of the matter, the first respondent is directed to consider and dispose of the appeal bearing case No.4486 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, her brother Periyasamy, the petitioner's brother's daughter, Rajeshwari, and the other legal heirs of the late Pitchai Servai.

6.W.P.(MD)No.16864 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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,
Sivagangai.

2.The Tahsildar,
Sivagangai Taluk,
Sivagangai.

+1 CC to M/s.R.ANAND, Advocate (SR-29804[F] dated 21/09/2021)

+1 CC to M/s.SPL.GP (SR-29848[F] dated 22/09/2021)

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