



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.17184 of 2021

R.Prabhakaran

... Petitioner

Vs.

1.The District Collector,
Dindigul District, Dindigul.

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

3.The Tahsildar,
Kodaikanal Taluk, Dindigul District.

4.Arumugam

5.D.Kumaresan

... Respondents

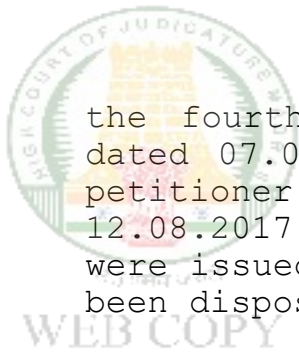
Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to consider and pass orders on the petitioner's appeal dated 12.08.2017 to cancel the patta No.612 issued in favour of the fourth respondent in respect of his property comprised in Survey No.225/5B measuring to an extent of 4.80 acres situated at Vadakavunji Village, Kodaikanal Taluk, Dindigul District and grant pattas in his favour.

For Petitioner : Mr.T.Lenin Kumar
For R-1 to R3 : Mr.P.Subbaraj,
Counsel for the State

ORDER

The petitioner seeks the expeditious disposal of the appeal filed before the second respondent for cancellation of patta No.612 in favour of the fourth respondent as regards the property bearing Survey No.225/5B of an extent of 4.80 Acres at Vadakavunji Village, Kodaikanal Taluk, Dindigul District.

2.The petitioner traces title to the above mentioned property through a purchase made by his father at a court auction. After the demise of his father, it is stated that a registered partition deed dated 15.11.1980, bearing Document No.1430/1980, was executed by and between the members of the petitioner's family. The petitioner alleges that the fourth respondent fraudulently obtained patta No.612 in respect of the petitioner's property. Subsequent thereto,



the fourth respondent conveyed the property through a sale deed dated 07.03.1994 to the fifth respondent. In this connection, the petitioner filed an appeal before the second respondent on 12.08.2017. Upon receipt of such appeal, it is stated that notices were issued in relation to an inquiry. However, such appeal has not been disposed of till date.

3.Mr.P.Subbaraj, learned counsel for the State, accepts notice for respondents 1 to 3. In view of the fact that notices were issued from time to time in such appeal, he submits that the second respondent may be directed to consider and dispose of the appeal on merits.

4.The petitioner has enclosed a copy of the partition deed dated 15.11.1980 and an extract from the relevant "A" Register. He has also enclosed copies of the appeal filed before the respondents and the notices issued in response thereto.

5.In the aforesaid facts and circumstances, the second respondent herein is directed to consider the petitioner's appeal dated 12.08.2017 and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner and the private respondents herein. 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 gone into and because the second respondent has been directed to hear the private respondents before taking a decision, the Writ Petition is disposed of without notice to the private respondents.

6.W.P.(MD).No.17184 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

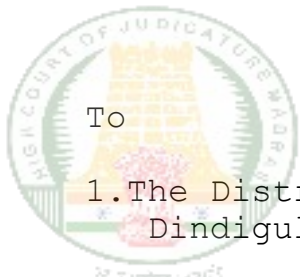
Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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,
Dindigul District, Dindigul.

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

3.The Tahsildar,
Kodaikanal Taluk, Dindigul District.

+1 CC to M/s.SPL.GP (SR-30335[F] dated 27/09/2021)

**W.P (MD) No.17184 of 2021
24.09.2021**

RS (04.10.2021) 3P 5C