



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.17788 of 2021

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S.P.Palaniappan

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The District Revenue Officer,
District Revenue Office,
Sivagangai-630 562.

3.The Revenue Divisional Officer,
Revenue Divisional Office,
Devakottai,
Sivagangai District.

4.The Tahsildar,
Karaikudi Taluk,
Karaikudi,
Sivagangai District.

5.PL.Parvathy @ Agammai Achi

6.PL.Pitchappan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 2 and 3 herein to pass orders on the petitioner's representation dated 18.09.2018 seeking to take action against the erred officials and respondents 5 and 6 herein and to restore the land in S.Nos.243 and 243/P situated in Block No.V of Ward No.10, of Karaikudi Town and Taluk, Sivagangai District to its original position prior to sub division that had taken place unlawfully in the year 2003 on the basis of the enquiry conducted by the third respondent through his proceedings bearing Na.Ka.No:A1/10068/2018 dated 07.05.2019 and by considering the written submissions submitted by the petitioner along with documents on 16.07.2019.



For Petitioner : Mr.S.P.Maharajan
For R-1 to R-4 : Mr.K.S.Selva Ganesan,
Counsel for State.

ORDER

The petitioner seeks the early disposal of proceedings pending before the jurisdictional Revenue Divisional Officer.

2. The petitioner claims title to the properties comprised in T.S.Nos.242, 243, 243/P and 244 in Block No.5 of Ward No.10 of Karaikudi Town. According to the petitioner, Survey Nos.243 and 243/P were sub-divided unlawfully under proceedings of the fourth respondent. On such basis, it is alleged that patta was issued in the name of the private respondents. Upon coming to know of the same, the petitioner applied for cancellation of such patta and for restoration of the original survey number. The petitioner states that a representation was submitted in this regard to the District Revenue Officer on 18.09.2018. Pursuant thereto, the matter was forwarded to the Revenue Divisional Officer. The Revenue Divisional Officer initiated an inquiry and called upon the petitioner to appear on 16.07.2019. The petitioner appeared and submitted written submissions. However, it is stated that the inquiry was not concluded. Indeed, the petitioner brings to the notice of the Court that an inquiry notice was received for an inquiry on 01.10.2021 after the Writ Petition was filed. Such inquiry now stands adjourned to 20.10.2021 for further hearing.

3. Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice on behalf of respondents 1 to 4. He submits that the third respondent may be directed to consider and dispose of the pending appeal / proceedings within a reasonable time frame.

4. Given the limited scope of the present Writ Petition and bearing in mind the fact that the next hearing is scheduled on 20.10.2021, it is sufficient to direct the third respondent to conclude the said inquiry expeditiously.

5. Accordingly, without going into the merits of the matter, the third respondent herein is directed to proceed with and conclude the pending inquiry within a period of two (2) months from the date of receipt of a copy of this order after providing a reasonable opportunity to the petitioner and the private respondents. On account of the fact that the merits of the matter have not been gone into and because the third respondent has been directed to provide a reasonable opportunity to the petitioner and the private respondents, the Writ Petition is disposed of without notice to the private respondents.



6. W.P(MD).No.17788 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

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/ /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 District Collector,
Sivagangai District,
Sivagangai.
- 2.The District Revenue Officer,
District Revenue Office,
Sivagangai-630 562.
- 3.The Revenue Divisional Officer,
Revenue Divisional Office,
Devakottai,
Sivagangai District.
- 4.The Tahsildar,
Karaikudi Taluk,
Karaikudi,
Sivagangai District.

+1 CC to M/s.S.P.MAHARAJAN, Advocate (SR-31042[F] dated 04/10/2021)

+1 CC to M/s.SPL.GP (SR-31226[F] dated 05/10/2021)

W. P (MD) No. 17788 of 2021
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PS (CO)

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