



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.17969 of 2021

WEB COPY

M.Nagaselvi

... Petitioner

Vs.

1. The Sub Collector/The Revenue Divisional Officer,
Sivakasi, Virudhunagar District.

2. Thangarakku

3. Ponrakku

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to pass orders on the appeal preferred by the petitioner dated 29.07.2021, within the period that may be stipulated by this court.

For Petitioner : Mr.M.Jerin Mathew

For Respondents : Mr.B.Saravanan

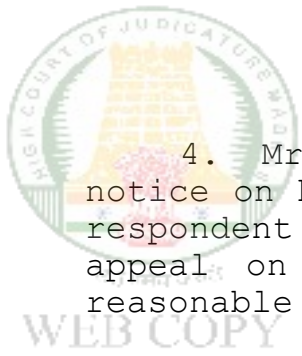
Counsel for the State, for R1.

O R D E R

The petitioner seeks the early disposal of an appeal filed before the first respondent challenging the issuance of Patta No.1992 to the second and third respondent herein.

2. The petitioner asserts that the property bearing Survey No.745/2, Kansapuram Village, Watrap Taluk, Virudhunagar District is an ancestral property. Therefore, the petitioner challenged a settlement deed dated 03.10.2008, which was executed by the petitioner's father-in-law and mother-in-law in favour of the second and third respondents herein. Such challenge was made by filing O.S.No.322 of 2016 before the Sub-Court, Srivilliputhur. The petitioner asserts that the said civil suit is pending.

3. During the pendency of such civil suit, it is stated that the Tahsildar unlawfully issued a patta in the names of four persons including the second and third respondents herein. Therefore, an appeal was filed before the first respondent on 29.07.2021. The present writ petition is filed for the early disposal thereof.



4. Mr.B.Saravanan, learned counsel for the State, accepts notice on behalf of the first respondent. He submits that the first respondent may be directed to consider and dispose of the pending appeal on merits and in accordance with law after providing a reasonable opportunity to all the parties thereto.

5. Given the limited scope of the present writ petition, it is not necessary to enter any findings on the merits thereof. Instead, it is sufficient if the first respondent is directed to dispose of the pending appeal in accordance with law after providing a reasonable opportunity to all concerned.

6. Accordingly, without going into the merits of the matter, the first respondent is directed to consider the petitioner's appeal dated 29.07.2021 and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner, the second and third respondents herein and any other person who would be affected by the outcome of such appeal such as the other joint pattadars under Patta No.1992 and their legal heirs. Such reasoned order shall be issued within a period of three months from the date of receipt of a copy of this order.

6. W.P(MD).No.17969 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn

To

The Sub Collector/The Revenue Divisional Officer,
Sivakasi, Virudhunagar District.

+1 CC to M/s.SPL.GP (SR-31335[F] dated 06/10/2021)

W.P.(MD)No.17969 of 2021

05.10.2021

RD(18.10.2021) 2P 3C