



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P (MD)No.18616 of 2021

WEB COPY

M.Shanmugam

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Aranthangi, Pudukottai District.

2.S.Ramakrishnan

... 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 UDR Appeal in Na.Ka.No.848/2017/Aa3 dated 23.03.2017 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.G.Jeremiah
For R-1 : Mr.P.Subbaraj
Counsel for State

ORDER

The petitioner seeks the early disposal of the appeal filed before the first respondent under Na.Ka.No.848/2017/Aa3 dated 23.03.2017.

2. The petitioner claims title to the land bearing Survey No.24/2 of an extent of 6 Cents out of the larger extent of 5 Acres and 41 Cents in Kundakavayal Village, Aranthangi Village, Pudukottai District. Such title is claimed through the petitioner's mother, Meenakshiammal, who is said to have purchased the property under registered sale deed bearing Document No.2355 of 1974. The petitioner refers to the Village "A" Register wherein Survey No.24/20 is classified as "Natham". According to the petitioner, in the Adangal Register, the property bearing Survey No.24/35 was wrongly classified as "Nadaipathai". Although O.S.No.105 of 2012 was filed by the second respondent on the file of the District Munsif Court, Aranthangi seeking a declaration that the land in Survey No.24/35 is a pathway, the petitioner asserts that such suit was dismissed for non-



prosecution on 27.02.2017. The petitioner further asserts that the suit was neither restored nor was the order appealed against.

3. In these facts and circumstances, it is stated that an appeal was presented before the first respondent for rectification of the alleged UDR error. In spite of the said appeal having been filed in the year 2012, it is stated that such appeal was not disposed of.

4. Mr.P.Subbaraj, 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 proceedings on merits after providing a reasonable opportunity to the second respondent.

5. The petitioner has enclosed a copy of the UDR appeal filed before the first respondent by his mother in the year 2012. A copy of the judgment and decree in O.S.No.105 of 2012 is also on record. Although the petitioner asserts that the said suit was not restored and that the judgment and decree was not appealed against, the correct facts would emerge only upon providing a reasonable opportunity to the second respondent. Therefore, the first respondent should put the second respondent on notice and provide a reasonable opportunity. Subject to these observations, the appeal merits early consideration and disposal.

6. Accordingly, W.P.(MD).No.18616 of 2021 is disposed of by directing the first respondent to consider and dispose of the pending proceedings bearing Na.Ka.No.848/2017/Aa3 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 the second respondent. There will be no order as to costs.

Sd/-

Assistant Registrar (WRITS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/nsr

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

The Revenue Divisional Officer,
Revenue Divisional Office,
Aranthangi, Pudukottai District.

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22.10.2021**

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