



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2021

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.19056 of 2020

WEB COPY

A.Hairuni Nisha

.. Petitioner

Vs

1.The Revenue Divisional Officer,
O/o. Revenue Divisional Officer,
Ramanathapuram.

2.The Tahsildar, O/o. the Tahsildar,
Ramanathapuram.

.. Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent for a speedy disposal of appeal filed by the petitioner in Appeal No. 2020/9005/25/836935/1118 dated 18.11.2020 on the file of 1st respondent and to fix the time frame for the disposal of the appeal stipulated by this Court.

For Petitioner	:	Mr.S.Vidhya Sagar
For Respondents	:	Mr.M.Karuppasamy Government Advocate

ORDER

The case of the petitioner is that his father died in the year 1974 and after the demise of his father, the petitioner and his 3 siblings were the legal heirs of the deceased father. Being the legal heirs of the deceased father, U.Umar Khan, the petitioner has inherited a share of the property situated in S.No.432/9 at Sakkarai kottai Village, Ramanathapuram, measuring a total extent of 14 acre and 14 cents respectively. In the UDR scheme also, there was an entry on behalf of the petitioner's father's name along with the petitioner and his siblings.

2.While the matter stood thus, when the petitioner verified the revenue records in 2010, he came to know that the names of the petitioner and his siblings were not entered in the new patta No.2201, after the UDR proceedings. Thereafter, the petitioner appears to have approached the 2nd respondent and the 2nd respondent, vide order dated 29.11.2010, directed the 3rd respondent to add the names of the petitioner and his siblings for the subject land and subsequently revised patta entry was also released through online by including their names.



3. On 03.09.2020, the 3rd respondent appears to have mutated the patta No.2201 to one other person, Noor Mohamed and his family members, who are no way connected with the property. The 3rd respondent, without issuing any notice to the petitioner and other siblings of the petitioner, had illegally transferred the patta to the third parties. Therefore, the petitioner has approached this Court in W.P.(MD) No.13989 of 2020, for quashing the proceedings of the 3rd respondent, dated 03.09.2020. This Court, vide order dated 08.10.2020, directed the petitioner to exhaust the appeal remedy before the authorities concerned before knocking the doors of this Court under Article 226 of the Constitution of India.

4. In pursuance of the directions of this Court, the petitioner preferred an appeal, dated 18.11.2020 before the 1st respondent in Appeal No.2020/9005/25/836935 and the receipt of the appeal was also acknowledged by the 1st respondent. However, till date, the appeal has not been disposed of and therefore, the petitioner is before this Court.

5. In response to the notice issued by this Court, Mr.M.Karuppasamy, has entered appearance on behalf of the respondents.

6. The learned Government Advocate appearing for the respondents has produced a copy of the proceedings of the Sub Collector, Ramanathapuram, dated 02.02.2021 before this Court, in which, it is acknowledged that the appeal is still pending and is not disposed of as yet.

7. In view of the appeal, which is stated to be pending before the appellate authority, this Court in the fitness of things disposes of this Writ Petition with the following directions:-

i) The 1st respondent is directed to dispose of the appeal, dated 18.11.2020 on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

ii) The 1st respondent is also directed to communicate the order in appeal to the petitioner forthwith.

8. No costs.

Sd/-

Assistant Registrar(RTI)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



1.The Revenue Divisional Officer,
O/o. Revenue Divisional Officer,
Ramanathapuram.

2.The Tahsildar,
O/o. the Tahsildar,
Ramanathapuram.

+1 CC to M/s.GP (SR-4024[F] dated 09/02/2021)

+1 CC to M/s.S.VIDHYA SAGAR, Advocate (SR-3920[F] dated
09/02/2021)

W.P. (MD) No.19056 of 2020
08.02.2021

SJ(CO)
TR(26.02.2021) 3P 5C