



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD) .Nos.19039 and 19040 of 2021

S.Nagasubramanian ... Petitioner in both petitions

Vs.

1.The District Revenue Officer,
Thanjavur.

2.The Revenue Divisional Officer,
Kumbakonam,
Thanjavur District.

3.The Tahsildar,
Kumbakonam,
Thanjavur District.

... Respondents 1 to 3
in both petitions

4.S.Jayaraj

5.S.Panneerselvam

6.S.Mala

7.S.Jayakumar

8.S.Sivakumar

...Respondents 4 to 8
in W.P(MD) .No.19039 of 2021

9.P.Sambantham

...4th Respondent
in W.P(MD) .No.19040 of 2021

Prayer in W.P(MD) .No.19039 of 2021: 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 conclude the enquiry and dispose of the petitioner's appeal for cancellation of the subdivisions in S.Nos.229/71, 229/72, 229/73, 229/74 and 229/75, Sarvamanya Street, Swamimalai, Kumbakonam Taluk, Thanjavur District and to restore Survey No.229/20 in its original name within a time frame that may be stipulated by this Court.

Prayer in W.P(MD) .No.19040 of 2021: 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 conclude the enquiry and dispose of the petitioner's appeal for cancellation of the subdivision in S.No.229/37, Sarvamanya Street, Swamimalai, Kumbakonam Taluk, Thanjavur District and to restore Survey No.229/20 in its original name within a time frame that may be stipulated by this Court.

For Petitioner
(In both cases)

For R1 to R3
(In both cases)

: Mr.T.R.Jeyapalam

: Mr.P.Subbaraj
Counsel for State



COMMON ORDER

In these two writ petitions, a common petitioner seeks the early disposal of the respective appeal presented before the Revenue Divisional Officer seeking cancellation of subdivisions made in original S.No.229/20 and for the restoration of the position prevailing prior to such subdivision.

2.The petitioner asserts that he is the owner of the property bearing Natham S.No.229/20, Sarvamanya Street, Swamimalai, Kumbakonam Taluk, Thanjavur District. According to the petitioner, he has filed a suit in O.S.No.60 of 2015 on the file of the Additional District Court, Kumbakonam for declaration of title and recovery of possession in respect of the relevant property, and that the said suit is pending.

3.The petitioner alleges that S.No.229/20 was subdivided into S.Nos.229/71, 229/72, 229/73, 229/74 and 229/75 (as regards W.P.(MD).No.19039 of 2021) and as S.No.229/37 (as regards W.P.(MD).No.19040 of 2021). It is alleged that the said subdivision was effected without notice to the petitioner. An appeal was presented before the jurisdictional Revenue Divisional Officer in such circumstances and the speedy disposal thereof is prayed for.

4.Mr.P.Subbaraj, learned counsel for the State, accepts notice for respondents 1 to 3 in each of the writ petitions. He submits that the second respondent may be directed to consider and dispose of the pending appeals on merits after providing a reasonable opportunity to the private respondents.

5.Given the limited scope of the present writ petitions, no findings are entered on the merits thereof. Accordingly, W.P.(MD). Nos.19039 and 19040 of 2021 are disposed of by directing the second respondent to consider and dispose of the pending appeals for cancellation of the subdivisions made in original S.No.229/20 after providing a reasonable opportunity to the petitioner and to the private respondents in the two writ petitions. Such reasoned order shall be issued within a period of three (3) months from the date of receipt of a copy of this order. However, there will be no order as to costs.

Sd/-

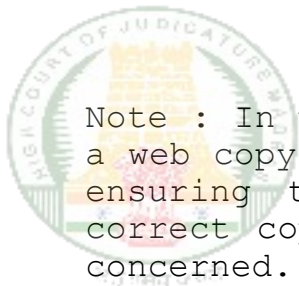
Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sn/sji



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.

WEB COPY

To

- 1.The District Revenue Officer,
Thanjavur.
- 2.The Revenue Divisional Officer,
Kumbakonam, Thanjavur District.
- 3.The Tahsildar,
Kumbakonam,
Thanjavur District.

+1 CC to M/s.T.R.JEYAPALAM, Advocate (SR-32954[F] dated 28/10/2021)

+1 CC to M/s.SPL.GP (SR-33021[F] dated 28/10/2021)

W.P(MD).Nos.19039 and 19040 of 2021
27.10.2021

SJ(CO)

GC/PM(09.11.2021) 3P 6C