



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.21118 of 2021

S.Selvam

... Petitioner

Vs.

1.The District Collector,
Thanjavur.

2.The Sub Collector / Revenue Divisional Officer,
Kumbakonam.

3.Gnanavadivu

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the second respondent to take the petitioner's statutory appeal dated 27.08.2021 to file and dispose of the same within time frame fixed by this Court.

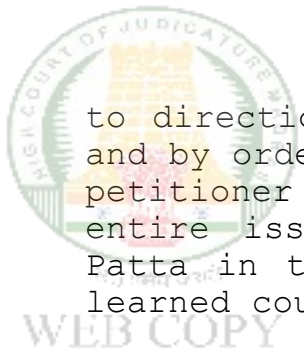
For Petitioner : Mr.R.S.Sivaram
For R-1 and R-2 : Mr.S.Kameswaran,
Government Advocate.
For R-3 : Mr.M.R.S.Prabhu

ORDER

Heard Mr.R.S.Sivaram, learned counsel for the petitioner, Mr.S.Kameswaran, learned Government Advocate who took notice for respondents 1 and 2 and Mr.M.R.S.Prabhu, learned counsel who took notice for the third respondent.

2. The Writ Petition has been filed in the nature of Mandamus seeking a direction against the second respondent , the Sub Collector / Revenue Divisional Officer, Kumbakonam to examine and take the appeal filed by the petitioner on 27.08.2021 on file and to dispose of the same.

3. In the affidavit, it had been stated that the petitioner had filed an appeal before the second respondent pursuant



to directions of this Court in W.P(MD).Nos.11627 and 11628 of 2021 and by order dated 13.07.2021, this Court had granted liberty to the petitioner to prefer statutory appeal to the first respondent. The entire issue was with respect to the Tahsildar, granting Natham Patta in the name of the third respondent for whom Mr.R.S.Prabhu, learned counsel appears today.

4. The petitioner had filed a Writ Petition to cancel the patta and to issue joint patta. He also sought to cancel the settlement deed which had been registered. Since these issues are now to be examined only by the second respondent, it will only be appropriate that I do not delve more deeply into the case particularly the grievance raised by the petitioner against the third respondent and the corresponding contentions of the third respondent against the petitioner. These are issues which will have to be put forth by the petitioner and the third respondent only before the second respondent who will then have to give a finding not only on the facts raised before him/her but also on the issues of grant of patta which necessarily would also revolve around the issue of possession.

5. A direction is however given to the second respondent to follow the procedure established by law namely, to issue notice in the first instance to the third respondent / Gnanavadiyu and also grant necessary opportunity to both the petitioner / S.Selvam and the third respondent / Gnanavadiyu to put forth the respective cases and thereafter, examine the appeal in manner known to law. I hope that both the petitioner and the third respondent would co-operate during the hearing of the appeal and an obligation is placed on the second respondent to dispose of the appeal on or before 31.03.2022.

6. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

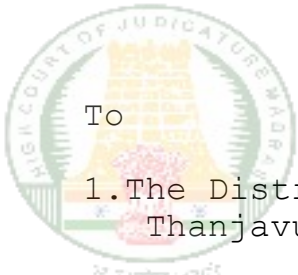
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/ /2021

Sub Assistant Registrar(CS)

Lm/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

1.The District Collector,
Thanjavur.

2.The Sub Collector / Revenue Divisional Officer,
Kumbakonam.

+1 CC to M/s.R.S.SIVARAM, Advocate (SR-38543[F] dated 14/12/2021)

+1 CC to M/s.SPL GP (SR-38586[F] dated 14/12/2021)

+1 CC to M/s.V.K.VIJAYARAGAVAN, Advocate (SR-38921[F] dated
15/12/2021)

**W.P. (MD) .No.21118 of 2021
13.12.2021**

RD(20.12.2021) 3P 6C