



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) No.21913 of 2021

WEB COPY

R.Raj

... Petitioner

vs.

1.The Revenue Divisional Officer,
Aruppukottai Division,
Aruppukottai,
Virudhunagar District.

2.E.Balasubramani

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to expedite the cancellation of patta proceeding pending in Na.Ka.Aa1/4795/2021 on his file within a time frame fixed by this Court.

For Petitioner : Mr.V.Angusamy

For R1 : Mr.D.Ghandiraj
Special Government Pleader

O R D E R

The petitioner, R.Raj, is the son of Ramasamy Nayakkar, who had purchased the disputed property in the year 1942. The father, subsequently, died on 05.07.2000. In the meanwhile, the second respondent appears to have created an individual, also called Ramasamy and had got a sale deed executed by the said created person, Ramasamy in his favour. Naturally, the petitioner was quite agitated. He gave a police complaint and FIR in Crime No.15 of 2021 had been registered by the District Crime Branch, Viruthunagar, categorizing the second respondent as a land grabber. That FIR is pending. Based on that particular First Information Report, the petitioner also gave a representation to the District Registrar, Viruthunagar and the sale deed executed by the created person, Ramasamy, was cancelled in manner known to law. Now the petitioner is worried about the revenue documents, wherein, the name of the second respondent has been shown in the patta and therefore, had filed an application to the first respondent/Revenue Divisional Officer, Aruppukottai to cancel the said entry. The first respondent had issued notice to both the petitioner and the second respondent to appear for an enquiry.

2.I am informed by the learned counsel for the petitioner, Mr.V.Angusamy, that no further action had been taken by the first respondent, though the petitioner appeared for the enquiry.



3.Mr.D.Ghandiraj, learned Special Government Pleader, had taken notice for the first respondent.

4.In view of the nature of the order now passed, notice is dispensed with for the second respondent.

5.A direction is given to the first respondent to proceed further with the enquiry in manner known to law, hear the parties, take into consideration the fact that a First Information Report had been registered against the second respondent, take also into consideration the fact that the sale deed executed by the created person, Ramasamy had also been cancelled in manner known to law and thereafter, proceed to pass necessary orders on or before 31.01.2022, on the application given by the petitioner.

6.With the above said observations, the writ petition is allowed. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj1

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,
Aruppukottai Division,
Aruppukottai,
Virudhunagar District.

+1 CC to M/s.A.BALAJI, Advocate (SR-38053[F] dated 09/12/2021)

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MGJ(23.12.2021) 2P 3C