

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

CORAM

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P. Nos.31287 of 2013
and M.P. Nos.1 of 2013

1. K.M.Balakrishnan
2. M.Sreenivasan .. Petitioners

Vs.

1. The District Collector,
Namakkal.
2. The Revenue Divisional Officer,
Namakkal.
3. The Tahsildar,
Namakkal.
4. The Commissioner,
Namakkal Municipality,
Namakkal. .. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, seeking Writ of Mandamus forbearing the respondents from interfering with the peaceful possession and enjoyment of the petitioners' property situated in Survey No.174 in Kosavampatti Village, Namakkal Taluk & District.

For Petitioners : Mr. S.Senthil

For Respondents : Mr.T.K.Saravanan
Government Advocate

O R D E R

This Writ Petition has been filed for the issuance of Writ of Mandamus forbearing the respondents from interfering with the peaceful possession and enjoyment of the petitioners in the subject property.

2. The case of the petitioners is that the subject property is in their possession and enjoyment for a long period of time

and hence they were entitled to seek for a patta under the relevant Government order. Accordingly, the petitioners made a representation to the concerned authority for issuance of patta and the same was rejected. An appeal was filed before the second respondent and the same was pending. In the meantime, the fourth respondent issued a tender notification calling for tenders for undertaking certain construction works and thereby the possession and enjoyment of the petitioners was sought to be interfered. Aggrieved by the same, the present writ petition has been filed before this Court.

3. Heard Mr. S.Senthil, learned counsel appearing for the petitioners and Mr.K.Saravanan, learned Government Advocate appearing for the respondents.

4. The learned counsel for the petitioners submitted that the appeal filed before the second respondent is pending and no final orders have been passed till now. This Court passed an interim order in the year 2013 while entertaining the Writ Petition and safeguarded the possession and enjoyment of the property awaiting the orders of the second respondent. Unfortunately, this status-quo continues and no orders have been passed in the appeal that is pending on the file of the second respondent.

5. In view of the above, there shall be a direction to the second respondent to dispose of the appeal filed by the petitioners on 30.12.2008 on its own merits and in accordance with law after affording opportunity to the petitioners and pass final orders within a period of eight weeks from the date of receipt of a copy of this order. Till the final orders are passed by the second respondent, the present status-quo shall be maintained. The petitioners are directed to make a fresh representation to the second respondent along with all the relevant records and the earlier representation by annexing the present order.

6. This Writ Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

bkn

To

1. The District Collector,
Namakkal.
2. The Revenue Divisional Officer,
Namakkal.
3. The Tahsildar,
Namakkal.
4. The Commissioner,
Namakkal Municipality,
Namakkal.

+1cc to Mr. S.Senthil, Advocate, S.R.No.38695
+1cc to the Government Pleader, S.R.No.38956

W.P. No.31287 of 2013

AJB(CO)
CT/12/07/2022