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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.11332 of 2022

R.Sekar

...Petitioner

vs.

1. The Revenue Divisional Officer,
South Chennai Division,
Guindy,
Chennai - 600 032.

2. The Tahsildar,
Shollinganallur Taluk,
Chennai - 600 119.

3. V.Murugan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to dispose of the appeal dated 16.12.2019 filed by the petitioner within a stipulated time period.

For Petitioner : Mr.J.Rajmohan

For Respondents : Mr.R.Vigneswaran
Government Advocate

ORDER

This writ petition has been filed seeking for issuance of a writ of Mandamus to direct the 1st respondent to dispose of the appeal dated 16.12.2019 filed by the petitioner within a stipulated time period.

2. Since no adverse order has been passed against the private respondent, notice to the private respondent is dispensed with.

3. The case of the petitioner is that he is the owner of the property in S.Nos.4/1A1 & 7/1A1, of an extent of 3037 Sq.ft. situated at Pallikaranai Village, Shollinganallur Taluk.



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Thereafter, the petitioner made a representation before the second respondent for issuance of Patta and the same was rejected stating that the Patta was issued in favour of one P.Shanthi and one S.Ponramalingam. As against which, the petitioner preferred an Appeal on 17.10.2013, before the first respondent who in turn conducted an enquiry. Since no action has been taken by the first respondent, the petitioner filed a Writ Petition before this Court in W.P.No.20096 of 2019, this Court dismissed the said Writ Petition on 22.08.2018, by granting liberty to the petitioner to file an Appeal before the first respondent. While so, the petitioner preferred an Appeal before the first respondent on 16.12.2019, to set aside the rejection order passed by the second respondent in Na.Ka.A1/1876/2010 dated 30.04.2013 and issue fresh Patta in favour of the petitioner. Since the same was not considered the petitioner filed the present Writ Petition seeking the aforesaid relief.

4. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the first respondent to consider the petitioner's Appeal dated 16.12.2019 and pass orders on merits within a particular time frame to be fixed by this Court.

5. The learned Government Advocate appearing for respondents has no objection for said order being passed.

6. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, directs the first respondent to consider the said Appeal of the petitioner dated 16.12.2019 and pass appropriate orders, on merits and in accordance with law after affording an opportunity of hearing to the petitioner as well as private respondent, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above observations and direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-II)

//True copy//

Sub Assistant Registrar

rap



To

1. The Revenue Divisional Officer,
South Chennai Division,
Guindy,
Chennai - 600 032.

2. The Tahsildar,
Shollinganallur Taluk,
Chennai - 600 119.

+2ccs to Mr.J.Rajmohan, Advocate SR.No.29844

+1cc to Government Pleader SR.No.30922, 30955

W.P.No.11332 of 2022

GSM(CO)
GMY(27/05/2022)