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W.P.No.16104 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.16104 of 2022

G.Thavamani

... Petitioner

vs.

- 1.The District collector,
O/o. The District Collector,
Villupuram District.
- 2.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Tindivanam, Villupuram District.
- 3.The Tahsildar,
O/o. The Taluk Office,
Gingee - 604 407,
Villupuram District.
- 4.Aranganthan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Revenue Divisional officer, Tindivanam, the 2nd Respondent herein to consider and pass orders on the Appeal dated 2.11.2020 submitted by the Petitioner under Patta Passbook Act, requesting to cancel the patta No. 556 issued by the 3rd Respondent/ Tahsildar to and in favour of the 4th respondent herein for the lands in Survey Nos. 3/16 and 3/17 of Kurinjipai Village, Gingee Taluk, Villupuram District which was subdivided the Kalanguthu Poramboku



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Survey No. 3/3 of the Village and used by the village farmers as cart pathway and enable the farmers for free access through the said pathway.

For Petitioner : Mr.V.R.Appaswamee

For Respondents 1 to 3 : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This petition has been filed for issuance of writ of Mandamus to direct the second respondent/Revenue Divisional officer, Tindivanam to consider and pass orders on the Appeal dated 02.11.2020 submitted by the Petitioner under Patta Passbook Act, requesting to cancel the patta No.556 issued by the third Respondent/Tahsildar to and in favour of the fourth respondent herein for the lands in Survey Nos. 3/16 and 3/17 of Kurinjipai Village, Gingee Taluk, Villupuram District, which was subdivided the Kallannkuthu Poramboku in Survey No. 3/3 of the Village and used by the village farmers as cart pathway and enable the farmers for free access through the said pathway.

2. Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for the respondents 1 to 3. With the consent of learned counsel



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appearing on either side, this petition is taken up for final disposal at the admission stage itself.

3. Since no adverse order is being passed against the fourth Respondent, notice to the fourth respondent is dispensed with.

4. The case of the petitioner is that the petitioner and his brother are the owner of the property comprised in S.No.2/11A to an extent of 2.20 acres in Kurinjipai Village, Gingee Taluk, Villupuram District. The Revenue officials have also granted patta in favour of the petitioner and his brother. The petitioner and other farmers access their patta lands through a pathway situated in poramboku lands comprised in Survey No.37,45,7,4 and 3 of the said village. The adjacent land in Survey No.3/3 is a Kallannkuthu poramboke, which was used as pathway by the village public. While so, the fourth respondent influenced the Revenue Authorities and fraudulently obtained patta in his name in Kallannkuthu Poramboke land. The Revenue officials without any basis, subdivided the Kallannkuthu poramboke land in Survey No.3/3 and issued fresh patta No.556 to and in favour of the fourth respondent. Aggrieved by the



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issuance of patta in Kallannkuthu Poramboke land, the petitioner had preferred an appeal before the second respondent on 02.11.2020. However, till date, no order has been passed by the second respondent. Hence, the petitioner is before this Court.

5. The learned counsel appearing for the petitioner submitted that it would suffice, if this Court issues direction to the second respondent to dispose of the appeal filed by the petitioner dated 02.11.2020, within a stipulated time frame as fixed by this Court.

6. The learned Special Government Pleader appearing for the official respondents has no objections for the said order being passed and he submitted that appropriate order will be passed on the said representation within a stipulated time frame.

7. This Court has carefully considered the rival submissions and also perused the materials placed before it.



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8. In view of the limited prayer sought for by the petitioner, this Court without expressing any opinion on the merits of the case, directs the second respondent to consider the appeal preferred by the petitioner dated 02.11.2020, if not already disposed of, enquire into the same and pass appropriate orders on merits and in accordance with law, after affording an opportunity of personal hearing to the fourth respondent, within a period of twelve weeks from the date of receipt of a copy of this order.

9. With the above directions, the writ petition is disposed of. No costs.

28.06.2022

Index : Yes/No
Internet : Yes/No
rsi

To

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M.DHANDAPANI, J.

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