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W.P.No.26009 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2022

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.26009 of 2022

P.Venkatachalam

... Petitioner

Vs.

1.The Sub-Collector/Revenue Divisional Officer,
Mettur Revenue Division,
Mettur Dam – I,
Salem District.

2.The Tahsildhar,
Mettur Taluk,
Mettur Dam -1,
Salem District.

3.Jeevanantham

4.Sathiyamoorthi

5.Iyyamperumal

6.Ganesan

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to dispose the petitioner's appeal dated 12.01.2021 within stipulated time.

For Petitioner

:

Mr.M.R.Jothimanian



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For Respondents : Mr.U.Bharanidharan,
Additional Government Pleader

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ORDER

The petitioner has filed this petition seeking for Writ of Mandamus, directing the first respondent to dispose the petitioner's appeal dated 12.01.2021 within stipulated time.

2. Since no adverse order has been passed against the respondents 3 to 6, notice to the respondents 3 to 6 are dispensed with.

3. The case of the petitioner is that the petitioner is a cultivating tenant of the land owned by one Venkatramana Chettiyar comprised in S.Nos.184/1, 184/3 and 189/1A, situated at Periyasoragai Village, Mettur Taluk, Salem District under Section 3(5) of Tamil Nadu Cultivating Tenants Protection Act, 1969 and the petitioner is paying revenue tax to the revenue authorities as cultivating tenant. This being the case, one of the legal heirs of the Venkatramana Chettiyar alienated the aforesaid land in favour of fourth respondent and in turn, the fourth respondent alienated the land in favour of fifth respondent, without the knowledge of the petitioner, who is a cultivating



tenant of the said land. In the mean time, the third respondent approached the second respondent to dispossess the petitioner's cultivating tenancy and in regard to the same, a peace meeting was conducted between the parties concerned. The second respondent without considering the objection made by the petitioner, passed an order dated 30.12.2020 by restraining the petitioner from the possession. Challenging the order dated 30.12.2020, the petitioner preferred an appeal before the first respondent on 12.01.2021, however, till date, the said appeal is pending before the first respondent. Hence, the petitioner filed this writ petition with the aforesaid prayer.

4. Learned counsel for the petitioner would submit that this Court may issue a direction to the first respondent to dispose of the pending appeal dated 12.01.2021 preferred by the petitioner within a time frame that may be fixed by this Court.

5. Learned Additional Government Pleader appearing for the respondents submitted that though the petitioner claims that his tenancy was registered with the Salem District Gazette dated 21.09.1972, his tenancy was



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only comprised in Survey No.198 and not in Survey Nos.184/1, 184/3, 189/1A, however, the petitioner's appeal will be disposed of in the manner known to law.

6. Heard the learned counsel on either side and perused the materials placed on record.

7. Considering the facts and circumstances, this Court without expressing any opinion on the merits of this case, directs the first respondent to dispose of the petitioner's appeal dated 12.01.2021 after affording an opportunity of hearing to the petitioner as well as the private respondents, within a period of 12 weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, this writ petition is disposed of. No costs.

28.09.2022

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Index : Yes/No

Speaking Order : Yes/No

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M.DHANDAPANI,J.

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