



WEB COPY



W.P.No.31384 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.31384 of 2017

1.AR.Palaniappan

2.AR.Ramanathan

.... Petitioners

-Vs-

1.The District Revenue Officer
Tiruppur District, Tiruppur.

2.The Tahsildar
Palladam, Tiruppur District.

3.Ramesh Arunachalam

4.RM.Palaniappan

5.RM.Murugappan

6.Meenakshi

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to conduct enquiry and proceed further in accordance with law within a stipulated period of time as fixed by this Hon'ble Court.

For Petitioner : Mr.R.M.Venkatesh

For Respondents : Ms.Akila Rajendran

Government Advocate -for RR 1 and 2

Ms.A.Sagaya Selvi – for RR 4 to 6

R3 – Notice unserved



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ORDER

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The prayer sought for herein is for a Writ of Mandamus directing the first respondent to conduct enquiry and proceed further in accordance with law within a stipulated period of time as fixed by this Court.

2. As against the order of issuance of patta by the Tahsildar concerned to and in favour of the private respondents, the petitioners have preferred an appeal to the District Revenue Officer / Sub Collector, Tiruppur on 16.02.2017. Pursuant to the said appeal filed by the petitioners, even though summons were issued by the Sub Collector to conduct an enquiry, subsequently no final orders have been passed. Therefore, in order to pass final orders on the appeal filed by the petitioners, the petitioners have preferred the present writ petition.

3. Heard Mr.R.M.Venkatesh learned counsel for the petitioner and Ms.Akila Rajendran, learned Government Advocate appearing for the respondents. Even though notice was sent to the private respondents, notice was unserved on the 3rd respondent. Ms.A.Sagaya Selvi, learned counsel entered appearance on behalf of respondents 4 to 6.

4. The appeal filed by the petitioners is of the year 2017. Nearly about six



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years have gone, despite that since so far no orders have been passed and the appeal filed by the petitioners has not been disposed of by the 1st respondent or his delegatee ie., the Sub Collector who is the appellate authority in the rank of Revenue Divisional Officer, this Court feels that a direction can be given to the official respondents especially the 1st respondent to decide the appeal at the earliest and pass orders thereon.

5. Considering the aforesaid facts and circumstances, this Court is inclined to dispose of this writ petition with the following order:

There there shall be a direction to the 1st respondent to give suitable directions to the Sub Collector or the Revenue Divisional Officer concerned before whom the appeal filed by the petitioners dated 16.02.2017 is pending, to dispose the said appeal after giving an opportunity of hearing to both the petitioners as well as the private respondents by sending summons to them, on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

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

15.12.2022

KST



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R. SURESH KUMAR, J.

KST

To

- 1.The District Revenue Officer
Tiruppur District, Tiruppur.
- 2.The Tahsildar
Palladam, Tiruppur District.

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