



WEB COPY



W.P.No.31458 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2022

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P.No.31458 of 2022

1.P.Ashok Kumar Jain
2.Leela Kothari
3.V.Pankaj Kothari
4.Chandani Modi
5.Vimala Devi

... Petitioners

Vs.

1.The Revenue Divisional Officer,
Tambaram Taluk,
Chengalpet District,
Tambaram, Chennai – 600 045.

2.The Tahsildar,
Tambaram Taluk,
Chengalpet District,
Tambaram, Chennai – 600 045.

3.S.Prabhakaran
4.N.Singaravelu

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to dispose the petitioners' appeal dated 19.05.2022 within a reasonable



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period as may be fixed by this Court.

For Petitioners : Mr.P.Sam Japa Singh

For Respondents : Mr.U.Bharanidharan for RR1 & 2
Additional Government Pleader

ORDER

This Writ Petition have been filed by the petitioners to direct respondents to dispose the petitioners' appeal dated 19.05.2022 within a reasonable period as may be fixed by this Court.

2.Since no adverse orders is being passed as against the respondents 3 and 4, notice to the 3rd and 4th respondents is dispensed with.

3.The case of the petitioners is that property in S.No.61/3A2A and 61/3A2B originally belongs to one Suburaya Padayachi by virtue of a Sale Deed registered as Doc.No.1772 of 1959 dated 22.07.1959, Patta No.64 and 65. After the demise of the said Suburaya Padayachi, his legal executed a General Power of Attorney in favour of one Dayalan, registered as Doc.No.243 of 2006 dated 24.04.2006 for 1 Acre 34 Cents.



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Wherein the said Dayalan executed a Sale Deed in favour of Vimal Chand Kothari (husband of 2nd petitioner and father of 3rd to 5th petitioners) and the 1st petitioner registered as Doc.No.9545 of 2006 dated 27.10.2006 in respect of S.No.61/3A2A and 61/3A2B measuring an extent of 1Acre and 34 Cents and obtained Patta 209, as per Patta 52 Ares. The 3rd respondent contented that the said Vimal Chand Kothari and the 1st petitioner were entitled for 1 Acre of land in the said survey number. The same was admitted by the 3rd respondent before the appeal and through legal proceedings. While so, the said Vimal Chand Kothari died intestate leaving behind his wife and children. Therefore, a compromise was arrived and filed an appeal before the 1st respondent, whereas, the same was pending. Therefore, the petitioner filed an appeal before the 1st respondent in person on 19.05.2022 for issuance of Patta and a reminder dated 24.10.2022. However, till date, petitioners appeal was not considered. Hence, the present Writ Petition.

4.The learned counsel for the petitioners submits that it would suffice if this Court issues direction to the respondents 1 and 2 to



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consider the petitioner appeal dated 19.05.2022 and pass orders on the same within a particular time frame fixed by this Court.

5.Mr.U.Bharanidharan, learned Additional Government Pleader for the respondents 1 and 2 submits that if any direction is given by this Court, the same will be complied with.

6.In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the respondents to consider the petitioners' appeal dated 19.05.2022, on merits and in accordance with law after providing opportunity to the petitioner and the private respondents and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.

7.Accordingly, this Writ Petition is disposed of. No costs.

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Index: Yes/No



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Internet: Yes/No
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- 2.The Tahsildar,
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M.DHANDAPANI, J.

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(1/2)