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W.P.No.31348 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.11.2022

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.31348 of 2022

1. Lionel

2. Prince

... Petitioners

Vs.

1. The District Revenue Officer,
Gudalur, Nilgris District.

2. The Revenue Division Officer,
Gudalur, Nilgris District.

3. The Tahsildar, Office of Tahsildar,
Pandalur.

4. Commissioner of Municipality
Nelliyar Municipality, Panthalur, Nilgiris

5. The Deputy Tahsildar,
Pandalur Taluk, Office of Revenue Department.

6. J. Almson

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the first respondent to dispose of the appeal dated 18.02.2022 on the file of the first respondent against the impugned order dated 15.12.2021 vide proceedings



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No.Na.Ka.A1/2404/2021 on the file of the second respondent and to consider out written representation dated 05.10.2021 on the file of second respondent to restore the Patta No.1195 for the house site comprised in Survey No.2261/1A and 2262/1B2 of an extent of 5.20 ares equivalent to 13.5 cents (5450 Sq.Ft) situated at Nelliayalam one Village within the Nelliayalam Municipality in Joint names of the petitioners and the sixth respondent and to cancel the patta issued in the name of the petitioners deceased mother namely Jabaselvi vide Patta no.1219 and 1220 for property in S.No.2262/1B2 and 2261/1A respectively and forbear the fourth respondent from effecting mutation of the name of the property tax assessment in respect of Door No.12/66D1A and 12/66D Colony Road, Pandalur Taluk, Nilgiris – 643 233 and pass orders.

For Petitioners : Mr.J.R.K.Bhavanantham

For Respondents : Mr.E.Vijay Anand
Additional Government Pleader

ORDER

By consent of both the parties, the writ petition is taken up for final disposal at the time of admission stage itself.

2. This Writ Petition has been filed seeking for issuance of Writ of Mandamus, directing the first respondent to dispose of the appeal dated



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18.02.2022 filed by the petitioners.

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3. The case of the petitioner is that the subject property was owned by the mother of the petitioner/Jebaselvi and after her demise the petitioners and the sixth respondent became the owners of the subject property as they were legal heirs of the said Jebaselvi. Subsequently Joint Patta was issued in the name of the petitioners and the sixth respondent vide patta number 1195 on 28.06.2021. Whiles the sixth respondent who is the brother of the petitioner allegedly obtained patta in his name based on a forged will, for which the petitioner made a representation to the revenue officials and the same was considered and the impugned order dated 15.12.2021 vide proceedings No.Na.Ka.A1/2404/2021 came to be passed wherein the patta issued in the name of the sixth respondent was cancelled and patta was restored in the name of the petitioner's mother JebaSelvi. Challenging the same, the petitioner preferred an appeal before the first respondent on 18.02.2022, however the same was not considered. Hence this petition.

4. The learned counsel for the petitioner submitted it would be suffice if this Court issued a direction to the first respondent to consider his appeal petition dated 18.02.2022 and pass orders within the stipulated time as fixed by this Court.

5. Since no adverse order is passed against the sixth respondent, notice



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to sixth respondent dispensed with.

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7. Considering the facts and circumstances of the case and the limited relief sought for by the petitioners, this Court, without going into the merits of the case, directs the first Respondent to dispose of the Appeal filed by the petitioner within a period of twelve weeks from the date of receipt of a copy of this order, after providing an opportunity to the petitioners and aggrieved parties if any. No Costs.

8. With the aforesaid direction, this Writ Petition stands disposed of. No costs.

24.11.2022

Index: Yes/ No

Internet: Yes/No

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3. The Tahsildar, Office of Tahsildar,
Pandalur.
4. Commissioner of Municipality
Nelliya Municipality, Panthalur, Nilgiris
5. The Deputy Tahsildar,
Pandalur Taluk, Office of Revenue Department.



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M.DHANDAPANI,J.

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