



W.P.No.32827 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.32827 of 2022

S.Govindaraj

... Petitioner

Vs

1.The Revenue Divisional Officer
Cum Sub-Divisional Magistrate
Thirumangalam, Chennai.

2.The Tahsildar
The Office of Tahsildar,
Ambattur, Chennai – 600 053.

3.K.K.Sridhar

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to dispose the pending Appeal in S.R.No.3425 dated 16.11.2021 against the order dated 09.07.2001 in Na.Ka.No.A1/238/220 by the 2nd respondent based on the representation dated 09.09.2022.

For Petitioner : Mr.K.Saravanan

For Respondents : Mr.V.Veluchamy

Addl. Government Pleader for R1 & R2

ORDER

The prayer sought for herein is for a Writ of Mandamus directing the 1st respondent to dispose the pending Appeal in S.R.No.3425 dated



W.P.No.32827 of 2022

16.11.2021 against the order dated 09.07.2001 in Na.Ka.No.A1/238/ 220 by

the 2nd respondent based on the representation dated 09.09.2022.

2. In respect of the property at Old Survey No.188/12Pa, in Block 57, Ward A, Oragadam Village, Ambattur Circle, Chennai District, patta already been issued in the name of the petitioner.

3. However on the basis of the complaint given by the 3rd respondent, the 2nd respondent/Tahsildar, by order dated 09.07.2021, has cancelled the patta and directed to issue the patta in favour of the 3rd respondent. Challenging the same, the petitioner preferred appeal under Section 12 of the Patta Passbook Act, 1983 before the 1st respondent on 16.11.2021. The said appeal is still pending before the 1st respondent. Therefore, in order to decide the said appeal on merits at the earliest, the petitioner has moved the present writ petition.

4. Heard Mr.K.Saravanan, learned counsel appearing for the petitioner and Mr.V.Veluchamy, learned Additional Government Pleader appearing for respondents 1 and 2.



W.P.No.32827 of 2022

5. The learned Additional Government Pleader for the respondents 1 and 2 would submit that, the appeal filed by the petitioner in October 2021 would be decided on merits after hearing both sides within a time frame that may be stipulated by this Court.

6. Considering the limited scope of the prayer sought for in this writ petition, this Court is inclined to dispose of this writ petition with the following order:

That there shall be a direction to the 1st respondent to decide the appeal filed by the petitioner dated 16.11.2021 as against the order passed by the 2nd respondent dated 09.07.2021 on merits and in accordance with law after hearing both the petitioner as well as the private respondent herein within a period of six weeks from the date of receipt of a copy of this order.

7. With this direction, this Writ Petition is disposed of. No costs.

07.12.2022

Index : Yes / No

Speaking Order : Yes / No

Sgl



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W.P.No.32827 of 2022

R. SURESH KUMAR, J.

Sgl

To

- 1.The Revenue Divisional Officer
Cum Sub-Divisional Magistrate
Thirumangalam, Chennai.
- 2.The Tahsildar
The Office of Tahsildar,
Ambattur, Chennai – 600 053.

W.P.No.32827 of 2022

07.12.2022