



WEB COPY



W.P.No.34353 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.34353 of 2022
and WMP.No.33814 of 2022

1. Mrs. V.Murugammal
2. Mrs.P.Shanthi

... Petitioners

-Vs-

1. The District Revenue Officer,
Office of District Revenue Officer,
Erode District.
2. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Gopichettypalayam, Erode.
3. The Tahsildar,
Taluk Office,
Bhavani Taluk,
Erode District.
4. G.Shanmugam

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, call for records from 2nd respondent vide Pa.Mu.908/2022/A3, dated 01.06.2022 pertaining to cancellation of patta of petitioner's property which is



W.P.No.34353 of 2022

situated in Resurvey No.362/1 (Nattam S.F.No.1177/1), Salangapalayam Village, Bhavani Taluk, Erode District with the extent of 8 cents quash the same and consequently direct the 1st respondent to restore the petitioners name in Patta No.1069.

For Petitioner : Mr.P.Saravanan
For Respondents : Mrs.Akila Rajendran
Government Advocate [R1 to R3]

ORDER

The prayer sought for herein is for a writ of certiorarified mandamus to quash the order of the second respondent vide Pa.Mu.908/2022/A3, dated 01.06.2022 pertaining to cancellation of patta of petitioner's property which is situated in Resurvey No.362/1 (Nattam S.F.No.1177/1), Salangapalayam Village, Bhavani Taluk, Erode District with the extent of 8 cents and consequently direct the 1st respondent to restore the petitioners name in Patta No.1069.

2. The second respondent Revenue Divisional Officer has passed an order on 01.06.2022 cancelling the patta issued in the name of the petitioners in respect of the property in S.No.362/1 at Salangapalayam Village, Bhavani Taluk, Erode District. As against the said order, the



W.P.No.34353 of 2022

petitioner preferred appeal to the District Revenue Officer i.e., first respondent on 13.07.2022.

3. Though the appeal was filed in July, 2022, so far the appeal has not been taken up and no interim measure has also been made by the first respondent, by virtue of that, even though the appeal is pending before the first respondent, taking advantage of the order passed by the second respondent, which is impugned before the Appellate Authority, the private respondents may take advantage and create a third party right and in order to avoid the same, the petitioner has moved the present writ petition seeking a writ of mandamus to give a direction to the first respondent to decide the appeal at the earliest. Till such time, such interim protection can be given to the petitioner.

4. Reiterating the aforesaid Mr.P.Saravanan, learned counsel appearing for the petitioners has made submissions.

5. Heard Mrs.Akila Rajendran, learned Government Advocate appearing for the official respondents, who would submit that the first respondent would take up the appeal on priority basis and decide it



W.P.No.34353 of 2022

within a reasonable time that may be stipulated by this Court on merits and in accordance with law after hearing both the petitioner as well as the private respondents herein.

6. In view of the order going to be passed, having dispensed with the service to the fourth respondent, this Court is inclined to dispose of this writ petition with the following orders:

- ◆ That there shall be a direction to the first respondent to decide the appeal filed by the petitioner dated 13.07.2022 as against the order passed by the second respondent dated 01.06.2022 within a period of six(6) weeks from the date of receipt of a copy of this order after giving an opportunity of being heard to the petitioner as well as the private respondents.
- ◆ It is made clear that till the disposal of the appeal, the *status quo* as on today with regard to the property in question shall be maintained.



W.P.No.34353 of 2022

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

Connected miscellaneous petition is closed.

21.12.2022

Index : Yes/No

Speaking order: Yes/No

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To

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W.P.No.34353 of 2022

R. SURESH KUMAR, J.

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W.P.No.34353 of 2022

21.12.2022