



W.P.(MD)No.670 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.670 of 2022

K.R.Pondy

... Petitioner

Vs

1.The District Collector,
Sivagangai District.

2.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

3.The Tahsildar,
Devakottai Taluk,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to dispose the appeal filed by the petitioner, dated 27.10.2021 against the order passed by the third respondent in his proceedings vide Na.Ka.No.A1/2309/2019 dated 11.10.2019.

For Petitioner
For Respondents

: Mr.K.P.Narayanakumar
: Mr.A.Kannan
Additional Government Pleader



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ORDER

WEB COPY The petitioner has prayed for issuance of a Writ of Mandamus, directing the second respondent to dispose the appeal filed by the petitioner, dated 27.10.2021 against the order passed by the third respondent in his proceedings vide Na.Ka.No.A1/2309/2019 dated 11.10.2019.

2.Heard Mr.K.P.Narayanakumar, learned counsel appearing for the petitioner, Mr.A.Kannan, learned Additional Government Pleader appearing for the respondents.

3. The learned counsel appearing for the petitioner would submit that the petitioner is in possession and enjoyment of the property situated in S.No. 424-1, Melachemponmari Group, Shanmuganathapuram Village to an extent of 0.05.76 Ares, which is classified as Natham land in revenue records. Originally, his forefathers are in possession of the property for the past several decades. In the year 1993, he entered possession of land by virtue of partition in his family. In the above property, he constructed a small shed residing thereon and also in the remaining area. He made a representation, dated 07.01.2009 to the first respondent requesting patta under “Nilavari Thoraya Patta Scheme” and the same was forwarded to the third respondent on



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19.01.2009 by the first respondent to take necessary action. In the meantime,

one Vishnukumar gave trouble for enjoyment of property. Hence, the petitioner filed a suit in O.S.No.28 of 2009 before the District Munsif Court, Devakottai for the relief of declaration and injunction and the same was dismissed on 12.12.2018 without considering the materials submitted by him. Against which, he preferred an appeal and the same is pending before the Sub Court, Devakottai as A.S.No.20 of 2019.

4. He would further submit that the petitioner filed a writ petition in W.P.(MD)No.14599 of 2019 before this Court with a prayer to issue patta, wherein, by order dated 01.07.2019 this Court directed the third respondent to consider his representation dated 12.12.2018 within a period of eight weeks. Thereafter, the third respondent vide his proceedings in Na.Ka.No.A1/2309/2019 dated 11.10.2019 rejected the claim of the petitioner on the ground that civil suit attained finality and Court negatived his claim of declaration of title. Aggrieved against the said order, the petitioner preferred an appeal before the second respondent on 27.10.2021 and the same is pending. Hence, the petitioner has come out with the present writ petition for the above stated relief.



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5.The learned Additional Government Pleader appearing for the respondents submits that appropriate direction may be given to the respondents to consider the petitioner's appeal dated 27.10.2021, in accordance with law, within a time frame.

6.Considering the limited scope of the prayer sought for by the petitioner, without going into the merits of the matter, this Court directs the second respondent to consider the petitioner's appeal dated 27.10.2021 and dispose of the said appeal and pass orders on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7.This Writ Petition stands disposed of with the above directions. No costs.

27.10.2022

Index : Yes/No
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V.BHAVANI SUBBAROYAN, J.

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