



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.4456 of 2022

C.Mallika

... Petitioner

Vs.

1. The District Collector,
The Collector Office,
Pudukkottai District.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Pudukkottai District.
3. The Tahsildar,
Karambakudi Taluk,
Pudukkottai District.
4. The Village Administrative Officer,
Village Administrative Office,
Vadakkalur Post,
Irupu Vandan Veduthi,
Karambakudi Taluk,
Pudukkottai District.
5. A.Govindharasu
6. The District Revenue Officer,
Pudukkottai District.

... Respondents

[R6 is suo motu impleaded vide order dated 14.03.2022]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the second respondent to consider the petitioner's cancellation of Patta Appeal dated 08.10.2021 and dispose the appeal within the time period fixed by this Court.

For Petitioner

: Mr.S.Vinoth Kumar

For Respondents 1 to 4 & 6

: Mr.M.Lingadurai
Special Government Pleader



O R D E R

This Writ Petition has been filed for a Mandamus, seeking for early disposal of the petitioner's appeal pending on the file of the Revenue Divisional Officer, Pudukkottai.

2.The petitioner, aggrieved by the issuance of patta in favour of the fifth respondent has preferred the statutory appeal before the Revenue Divisional Officer, Pudukkottai on 08.10.2021. According to the petitioner, the fifth respondent is not entitled for patta in his name for the property comprised in Survey No.40/7, Old S.F.No.40/7A, 40/7B, 8 measuring a total extent of 0.73.0 ares situated at Vandan Veduthi Post, Paiyadipatti Village, Karambakudi Taluk, Pudukkottai District. According to the petitioner, the aforementioned property belongs exclusively to the family of the petitioner and Patta No.97 was also issued in their names. In such circumstances, the petitioner has preferred a statutory appeal before the Revenue Divisional Officer, Pudukkottai District as stated supra. The petitioner seeks for early disposal of the said appeal.

3.Heard Mr.S.Vinoth Kumar, learned Counsel appearing for the writ petitioner and Mr.M.Lingadurai, learned Special Government Pleader who accepts notice on behalf of the respondents 1 to 4.

4.On instructions, learned Special Government Pleader would submit that the District Revenue Officer, Pudukkottai District is the competent authority to pass orders on the petitioner's appeal.

5.However, the petitioner has not arrayed the District Revenue Officer, Pudukkottai District as a party respondent in this writ petition. Hence, this Court *suo motu* impleads the District Revenue Officer, Pudukkottai district as the sixth respondent in this writ petition. Mr.M.Lingadurai, learned Special Government Pleader accepts notice on behalf of the newly impleaded sixth respondent. Registry is directed to carry out the necessary amendment by impleading the District Revenue Officer, Pudukkottai District as the sixth respondent.

6.No prejudice would be caused to the sixth respondent if the petitioner's representation dated 13.12.2021 seeking for early disposal of the appeal filed by the petitioner pending on the file of the Revenue Divisional Officer, Pudukkottai District is disposed of expeditiously after affording a fair hearing to the petitioner and the fifth respondent as well as any other necessary party whom the District Revenue Officer, Pudukkottai District deems fit to enquire.



7. Accordingly, this Court directs the sixth respondent [District Revenue Officer, Pudukkottai District] to dispose of the petitioner's statutory appeal dated 08.10.2021 and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner and the fifth respondent as well as any other necessary party whom the sixth respondent deems fit to enquire within a period of three [3] months from the date of receipt of a copy of this order. Since the statutory appeal has been preferred before the second respondent, the second respondent is directed to forward the same to the sixth respondent who is the competent authority who shall pass final orders as directed by this Court today.

8. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

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/ /2022

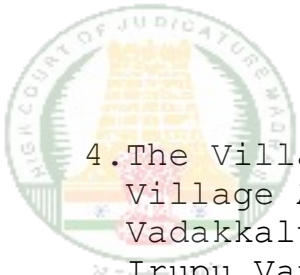
Sub Assistant Registrar (CS)

MR

NOTE: *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

To

1. The District Collector,
The Collector Office,
Pudukkottai District.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Pudukkottai District.
3. The Tahsildar,
Karambakudi Taluk,
Pudukkottai District.



4.The Village Administrative Officer,
Village Administrative Office,
Vadakkalur Post,
Irupu Vandan Veduthi,
Karambakudi Taluk,
Pudukkottai District.

5.The District Revenue Officer,
Pudukkottai District.

+1 CC to M/s.S.VINOTH KUMAR, Advocate (SR-11796[F] dated 14/03/2022)

+1 CC to M/s.SPL GP (SR-12446[F] dated 16/03/2022)

ORDER MADE IN
W.P.[MD]No.4456 of 2022

14.03.2022

USK/31.03.2022/4P/8C