



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.7014 of 2022

C.Arumugam

... Petitioner

Vs.

1.The Revenue Divisional Officer/
Sub-Divisional Magistrate,
Office of the Revenue Divisional Office,
Nearby Collector Office,
Sivagangai District.

2.The Tahsildar,
Sivagangai Town,
Sivagangai.

3.Annamalai Chettiyar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to dispose of Appeal No.4176/2021 filed by the petitioner on 20.07.2021 against the order passed by the second respondent on 09.01.2021 in his proceeding No.2021/0103/23/102175 within stipulated time as fixed by this Court.

For Petitioner : Mr.A.P.Muthupandian

For Respondents 1& 2 : Mrs.S.Jeyapriya
Government Advocate

O R D E R

This writ petition has been filed seeking for a limited relief. The petitioner seeks for early disposal of his statutory appeal pending on the file of the first respondent.

2.According to the petitioner, patta was issued for the property comprised in Survey No.13/3A (0.2.50 Ares), 13/3B (0.13.00 Ares) and 13/3C (0.27.00 Ares) measuring a total extent of 1 acre in New Patta No.1233, in the name of the petitioner on 23.12.2020. According to the petitioner, the very same Tahsildar thereafter has cancelled the patta on 09.01.2021 and issued the same in the names of Palaniappan, Annamalai and Amirthavalli Achi. Aggrieved by the order dated 09.01.2021, the petitioner has preferred the statutory appeal before the first respondent. The petitioner seeks for early disposal of the said statutory appeal.

3.Heard Mr.A.P.Muthupandian, learned Counsel appearing for the writ petitioner and Mrs.S.Jeyapriya, learned Government Advocate who accepts notice on behalf of the respondents 1 and 2.



4. On instructions, learned Government Advocate would submit that summons were already issued by the first respondent for petitioner's participation in the enquiry proceedings on 11.03.2022, but the petitioner failed to appear in the enquiry proceedings.

5. The same is disputed by the learned Counsel for the petitioner. However, learned Counsel for the petitioner would submit that the petitioner will cooperate with the enquiry to be conducted by the first respondent. The said statement is recorded.

6. No prejudice would be caused to the first respondent if the petitioner's statutory appeal is disposed of within a time frame to be fixed by this Court, after affording a fair hearing to the petitioner and the third respondent and any other necessary party whom the first respondent deems fit to enquire.

7. For the foregoing reasons, this Court directs the first respondent to pass final orders on the petitioner's statutory appeal bearing No.4176/2021 filed on 20.07.2021, within a period of four [4] months from the date of receipt of a copy of this order after affording a fair hearing to the petitioner and the third respondent and any other necessary party whom the first respondent deems fit to enquire.

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

To

1. The Revenue Divisional Officer/
Sub-Divisional Magistrate,
Office of the Revenue Divisional Office,
Nearby Collector Office,
Sivagangai District.

2. The Tahsildar,
Sivagangai Town,
Sivagangai.



+1 CC to M/s.A.P.MUTHU PANDIAN, Advocate (SR-18689[F] dated
13/04/2022)

+1 CC to M/s.SPL.GP. (SR-19007[F] dated 18/04/2022)

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SMV(CO)

KB(29.04.2022) 3P 5C