



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.17812 of 2014

and

M.P. (MD)No.2 of 2014

WEB COPY

P.Murugan

... Petitioner

vs.

1.The District Collector,
Tuticorin District.

2.The District Revenue Officer,
District Collector Office, Tuticorin.

3.The Sub Collector,
Tuticorin.

4.The Tahsildar,
Tuticorin Taluk, Tuticorin.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order issued by the third respondent in N.G.23180/79 dated 07.12.1980 and consequential proceedings in (B3)32394/79 issued by the fourth respondent and quash the same and consequently, to direct the respondents to issue patta for Sy.No.169/6 which extents about 1 acre 50 cents at Mapallai Oorani Village, Thoothukudi District in the name of the petitioner.

For Petitioner :Mr.D.Saravanan

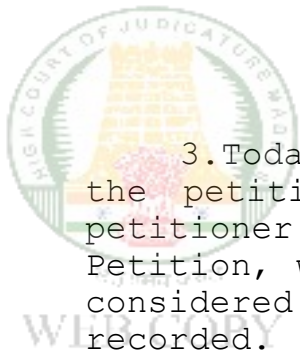
For Respondents :Mr.M.Lingadurai

Special Government Pleader

O R D E R

This Writ Petition has been filed challenging the order, dated 07.12.1980 passed by the third respondent and the consequential proceedings issued by the fourth respondent under which, the patta standing in the name of the petitioner's father, Late Sappani, has been cancelled.

2.The petitioner has filed this Writ Petition on the ground of violation of principles of natural justice by the respondents before passing the impugned orders. According to him, without any notice patta standing in the name of the petitioner's late father Sappani was cancelled.



3.Today, the learned Counsel for the petitioner submitted that the petitioner would be satisfied, if the appeal filed by the petitioner aggrieved by the order, which is impugned in this Writ Petition, which is pending on the file of the second respondent, is considered and disposed of expeditiously. The said statement is recorded.

4.No prejudice will be caused to the respondents or any other rival claimants, if the statutory appeal preferred by the petitioner aggrieved by the order, dated 07.12.1980 passed by the third respondent is disposed of on merits and in accordance with law within a time frame to be fixed by this Court. As seen from the documents filed in support of this Writ Petition, the second respondent has already taken the statutory appeal filed by the petitioner on file and he has also called for records from the third respondent.

5.For the foregoing reasons, this Court directs the second respondent to dispose of the statutory appeal preferred by the petitioner aggrieved by the order, dated 07.12.1980 under which the patta standing in the name of the petitioner's late father, Sappani was cancelled by the third respondent and pass final orders on the statutory appeal on merits and in accordance with law after affording a fair hearing to the petitioner as well as any other rival claimants within a period of three months from the date of receipt of a copy of this order. In case, the respondents intimate the petitioner that records are not traceable, since it is a very old matter, the petitioner shall furnish the same to the respondents accordingly.

6.With the above observations, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cmr

To

1.The District Collector,
Tuticorin District.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The District Revenue Officer,
District Collector Office, Tuticorin.

3.The Sub Collector,
Tuticorin.

4.The Tahsildar,
Tuticorin Taluk, Tuticorin.

+1 CC to M/s.D.SARAVANAN, Advocate (SR-6607[F] dated 16/02/2022)

+1 CC to M/s.SPL GP (SR-6809[F] dated 17/02/2022)

Order made in
W.P. (MD) No.17812 of 2014
16.02.2022

SVN(CO)
GC(25.02.2022) 3P 7C