



W.P.(MD)No.26142 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 18.11.2022

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THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.26142 of 2022

P.Luke Jeyakumar

.. Petitioner

Versus

1.The Special Deputy Collector,
(Revenue Court),
Collector Office Campus,
Kokkirakulam,
Tirunelveli District.

2.R.Arunachalam

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to dispose of Appeal No.4 of 2018, pending before him, by considering the petitioner's representation dated 29.10.2022.

For Petitioner	:	Mr.I.Robert Chandrakumar
For 1 st Respondent	:	Mrs.K.Christy Thebora Additional Government Pleader

ORDER

The petitioner has approached this Court seeking a direction to the first respondent to dispose of Appeal No.4 of 2018, pending before him, by considering his representation, dated 29.10.2022.



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2. Heard Mr.I.Robert Chandrakumar, learned counsel for the petitioner and Mrs.K.Christy Theboral, learned Additional Government Pleader, who takes notice for the first respondent. By consent of the learned counsel appearing for the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Having regard to the nature of the order proposed to be passed in this Writ Petition, notice to the second respondent is dispensed with.

4. According to the learned counsel for the petitioner, the petitioner's paternal uncle's daughter namely, Poorna Chandrika executed a gift deed, dated 02.06.2016, in respect of her 1/3 share to her brother Ilaiyakumar. After that, the said Ilaiyakumar conveyed the properties, measuring an extent of 91.33 cents from his share as well as his mother's share to the petitioner through a sale deed, dated 13.06.2016. Thereafter, the Revenue Department sub-divided the same as S.No.181/2B1B and 177/1 and Patta No.2296 was issued in the name of the petitioner. While so, in the year 2016, the second respondent filed a petition before the Tahsildar, Sengottai, against the legal heirs of the said Paramasivam, who is the petitioner's uncle and the petitioner, seeking to declare him as a cultivating tenant of the said properties. The legal heirs of the said Paramasivam had sold the properties to the petitioner and the



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entire properties are coconut plantations and there is no other cultivation taking place in the said properties. Hence, there is no necessity to hand over the properties to anybody as cultivating tenant.

5. The petitioner is in possession and enjoyment of the said properties and there is no such written agreement between the second respondent and the petitioner. Considering the same, the Tahsildar, Sengottai, rightly dismissed the said Petition on 02.03.2018. Challenging the same, the second respondent filed an appeal in Appeal No.4 of 2018. The petitioner filed his written arguments as early as in the month of January, 2019. However, the said appeal is pending without any reasonable cause. Hence, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

6. The learned Additional Government Pleader appearing for the first respondent submitted that Appeal No.4 of 2018 is posted for hearing and clarification on 22.11.2022 and after hearing the arguments, the same would be disposed of within a time frame.

7. Recording the aforesaid submission made by the learned Additional Government Pleader appearing for the first respondent, this Court, without



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going into the merits of the case, directs the first respondent to dispose of Appeal No.4 of 2018, by taking into consideration the written arguments and other documents relied on by the parties, on merits and in accordance with law, after issuing notice to all the necessary parties concerned, within a period of twelve weeks from the date of receipt of a copy of this order.

8. This Writ Petition stands disposed of with the above direction. No costs.

Index : Yes/No
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18.11.2022

To

The Special Deputy Collector,
(Revenue Court),
Collector Office Campus,
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Tirunelveli District.



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V.BHAVANI SUBBAROYAN, J.

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18.11.2022