



W.P.(MD)No.25181 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.25181 of 2022

P.Azeethu

... Petitioner

Vs

1.The Revenue Divisional Officer,
Usilampatti,
Madurai District.

2.The Tahsildar,
Peraiyur Taluk,
Madurai District.

3.Sahul Hameed, S/o.Late. Ibrahimsha

4.G.Vasanthi, W/o.S.Gnanasundaram

5.M.Arulmurugan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent, to issue notice to the petitioner and the respondents 3 to 5 in the appeal petition in Na.Ka.No.310/2022/A2, conduct an enquiry and pass orders in accordance with law, within a time frame to be fixed by this Court.

For Petitioner : Mr.T.R.Jeyapalam

For Respondents 1 and 2 : Mr.D.Sadiq Raja
Additional Government Pleader



W.P.(MD)No.25181 of 2022

WEB COPY

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the first respondent, to issue notice to him and the respondents 3 to 5 in the appeal petition in Na.Ka.No.310/2022/A2, conduct an enquiry and pass orders in accordance with law, within a time frame.

2. Heard Mr.T.R.Jeyapalam, learned counsel appearing for the petitioner and Mr.D.Sadiq Raja, learned Additional Government Pleader, who takes notice for the respondents 1 and 2. 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 respondents 3 to 5 is dispensed with.

4. According to the petitioner, the subject property, measuring an extent of 10015 sq.ft. out of 1 Acre and 6 Cents in S.No.104/4A, Peraiyur Village, Madurai District, belongs to his elder brother Ibrahim Sha through a registered sale deed dated 06.04.1988. Thereafter, he executed a settlement deed, dated 13.09.2010, in respect of the aforesaid property in favour of the



W.P.(MD)No.25181 of 2022

petitioner and handed over the possession of the same to the petitioner.

Thereafter, the petitioner was enjoying the same and he sold a portion of the property namely, 1250 sq.ft. in favour of one Kamatchi, S/o.Gurusamy, through a registered sale deed, dated 06.10.2010 and he is in possession and enjoyment of the same. However, the petitioner's elder brother cancelled the settlement deed, dated 13.09.2010, unilaterally through a registered cancellation deed, dated 12.04.2012. Thereafter, he died on 14.11.2016 and his legal heirs have executed a sale deed dated 19.07.2021 in favour of the fifth respondent in respect of a portion of the subject property. Further, his elder brother also executed two sale deeds, dated 21.02.2014, in respect of portions of the subject property in favour of Krishnasamy and Santhosh Kumar, who in turn sold the same in favour of the fourth respondent on 01.02.2021. The above said cancellation deed and the sale deeds in respect of the subject property are illegal and void and based on the same, the respondents 3 to 5 have obtained Patta in their name. Challenging the same, the petitioner filed an appeal in Na.Ka.No.310/2022/A2 before the first respondent on 10.01.2022. Though the same was taken on file and notice was issued on 13.04.2022 to the second respondent to file a report about the present status of the revenue records, no further action has been taken. Hence, the petitioner sent a representation dated 04.08.2022, to the first respondent, seeking early disposal of the appeal, dated



W.P.(MD)No.25181 of 2022

10.01.2022. Since the same has not been considered so far, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

5. The learned Additional Government Pleader appearing for the respondents 1 and 2 submitted that the appeal filed by the petitioner, dated 10.01.2022, would be disposed of on merits and in accordance with law, within a period of 16 weeks.

6. Recording the aforesaid submission made by the learned Additional Government Pleader appearing for the respondents 1 and 2, this Court, without going into the merits of the case, directs the first respondent to dispose of the appeal filed by the petitioner, dated 10.01.2022, on merits and in accordance with law, after affording an opportunity of hearing to all the necessary parties, within a period of 16 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.

07.11.2022

Index : Yes/No
smn2



W.P.(MD)No.25181 of 2022

To

WEB COPY

- 1.The Revenue Divisional Officer,
Usilampatti,
Madurai District.
- 2.The Tahsildar,
Peraiyur Taluk,
Madurai District.



WEB COPY



W.P.(MD)No.25181 of 2022

V.BHAVANI SUBBAROYAN, J.

smn2

W.P(MD)No.25181 of 2022

07.11.2022