



W.P.No.9151 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.9151 of 2023

and

W.M.P.No.9285 of 2023

Dr.R.Rajkumar

...Petitioner

Vs

- 1.The District Collector,
Chennai District,
Chennai.
- 2.Revenue Divisional Officer,
Chennai South,
Guindy, Chennai - 600 032.
- 3.Special Tahsildar,
Natham Nilavari Thitam,
Tambaram.
- 4.Tahsildar,
Sholinganallur Taluk,
Sholinganallur - 600 119.
- 5.Venkatesan
- 6.A.Kannayiram



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...Respondents

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to consider and dispose of the petitioner's appeal dated 29.09.2021, insofar as it relates to cancellation of patta No.389 in Survey No.110/15, Uthandi Village, Shollinganallur Taluk, in line with the Special Tahsildar order dated 14.02.2013 within an appropriate time frame as may be fixed by this Court and consequently direct the respondents not to take any coercive steps against the petitioner and his properties in Survey No.110, Uthandi Village, Shollinganallur Taluk.

For Petitioner : Mr.S.T.Bharath Gowtham

For R1 to R4 : Mr.P.Sathish,
Additional Government Pleader

ORDER

Heard Mr.S.T.Bharath Gowtham, learned counsel for the petitioner and Mr.P.Sathish, learned Additional Government Pleader for the respondents 1 to 4.

2. Since this Court is directing the second respondent to consider the petitioner's appeal petition, after giving due opportunity to the



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respondents 5 to 7, notice to the said private respondents is hereby dispensed with.

3. The limited prayer sought for in this Writ Petition is for a direction to the second respondent herein to dispose of the appeal preferred by the petitioner dated 29.09.2021 within a stipulated time.

4. It is needless to point out that whenever a statutory appeal is preferred before the Appellate Authority, there is a duty cast on him to dispose of the same expeditiously. Non-compliance of such a responsibility would amount to dereliction of duties and this Court would be justified in directing the Authority to dispose of the appeal within a stipulated time, in exercise of its powers under Article 226 of the Constitution of India.

5. In the light of the above observations, there shall be a direction to the second respondent herein to dispose of the petitioner's appeal petition dated 29.09.2021, if not already disposed of, after giving due opportunity to the petitioner and the respondents 5 to 7, as well as all



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other persons who may be interested in the subject property, on its own merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

6. It would be pertinent to point out here that an Hon'ble Division Bench of this Court, in its order dated 02.01.2023 passed in Cont.P.No.2737 of 2022, had taken note of the petitioner's submission that his property is sought to be demolished and therefore had ordered for maintaining status quo. Thus, pending disposal of the petitioner's appeal, the respondents shall maintain status quo, with regard to the nature of the subject property.

7. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

24.03.2023

Index:Yes/No
Internet:Yes/No
Speaking order/Non-speaking order
hvk



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To

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M.S.RAMESH,J.

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