



WEB COPY



1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.18935 of 2023
and WMP No.18174 of 2023

1.Khadhar Ali

2.Mrs.Halima Bee

.. Petitioners

vs.

1.The District Collector
Perambalur District, Perambalur.

2.The District Revenue Officer
Perambalur District, Perambalur.

3.The Revenue Divisional Officer
Perambalur Division, Perambalur.

4.The Tahsildar
Veppanthattai
Veppanthattai Taluk
Perambalur District.

5.Mr.Dubail Ahamed

6.The Zonal Revenue Officer
Veppanthattai,Veppanthattai Taluk
Perambalur District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent to consider the appeal dated 12.06.2023 filed by the petition within a time frame fixed by this Hon'ble Court.

For Petitioners : Mr.G.Ilamurugu

For Respondents : Mr.N.Naveen Kumar
Government Advocate
for R1 to R4 and R6

**ORDER**

This writ petition has been filed for the issue of a writ of mandamus directing the 2nd respondent to deal with the appeal filed by the petitioners on 12.06.2023 and to pass orders within the time frame fixed by this Court.

2. Heard Mr.G.Ilamurugu, learned counsel for the petitioners and Mr.N.Naveen Kumar, learned Government Advocate for R1 to R4 and R6.

3. The case of the petitioner is that he is in possession and enjoyment of the subject property which has been categorised in the revenue records as Ryotwari. The petitioner applied for patta before the 4th respondent and the 4th respondent through proceedings dated 02.12.2022, issued an assignment patta in favour of the petitioner. Thereafter, the petitioner had constructed a thatched house and compound wall and started residing there.

4. The 5th respondent seems to have challenged the patta granted in favour of the petitioner before the 3rd respondent. The 3rd respondent through proceedings dated 24.05.2023, cancelled the proceedings of the Tahsildar and further directed the encroachment to be removed and to make necessary entries in the revenue records. Even in the order passed by the 3rd respondent, the petitioner was given an opportunity to file an appeal before the 2nd respondent. The petitioner accordingly, filed an appeal before the 2nd respondent on 12.06.2023. The grievance of the petitioner is that the appeal is yet to be considered by the 2nd respondent and in the meantime, the 6th respondent is taking steps to remove the construction put up by



5. Taking into consideration the facts and circumstances of the case and the limited relief that has been sought for in this writ petition, there shall be a direction to the 2nd respondent to deal with the appeal filed by the petitioners on 12.06.2023, on its own merits and in accordance with law and final orders shall be passed by the 2nd respondent within a period of six weeks from the date of receipt of a copy of this order. Till the 2nd respondent passes final orders, no coercive steps shall be taken and subject to the final orders to be passed by the 2nd respondent, further action can be initiated by the respondents.

6. The petitioner is directed to make a fresh representation to the 2nd respondent along with a copy of the appeal filed by the petitioners on 12.06.2023, along with all the relevant documents and also a copy of this order. A copy of the representation shall also be marked to the 3rd and 4th respondents.

7. In the result, this writ petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

27.06.2023
2/2

Index : Yes/No
Internet : Yes/No
Neutral Citation Case: Yes/No
KP



WEB COPY



N. ANAND VENKATESH, J.

kp

To

- 1.The District Collector
Perambalur District
Perambalur.
- 2.The District Revenue Officer
Perambalur District
Perambalur.
- 3.The Revenue Divisional Officer
Perambalur Division
Perambalur.
- 4.The Tahsildar
Veppanthattai
Veppanthattai Taluk
Perambalur District.
- 5.The Zonal Revenue Officer
Veppanthattai
Veppanthattai Taluk
Perambalur District.

W.P No.18935 of 2023

27.06.2023