



W.P.No.34167 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **11.12.2023**

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.34167 of 2023

Mr. K. Ayyavu

... Petitioner

Versus

1.The District Revenue Officer,
Office of the Collectorate,
Vengikkal,
Tiruvannamalai – 606 604.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Tiruvannamalai – 606 604.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the first respondent to entertain my appeal filed against the order of the second respondent, the Revenue Divisional Officer, Thiruvannamalai, in NA.KA.A/5/983/2022, dated 28.12.2022.

For Petitioner : Mr. R. Swarnavel

For Respondents : Mr. V. Veluchamy,
Additional Government Pleader



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ORDER

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This Writ Petition is filed for “simplicitor mandamus”, to direct the first respondent to entertain the petitioner's appeal filed against the order dated 28.12.2022 in NA.KA.A/5/983/2022 issued by the second respondent/Revenue Divisional Officer, Thiruvannamalai.

2. The brief facts leading to filing of the present writ petition is that the Government Inam properties in petitioner's village demarcated for the purpose of “Karuman Naththam” and “Thachan Naththam” were encroached by some third parties and Patta was also obtained in their favour. As they were obstructing water way and free movement of cattle, the petitioner made a request to the respondents to cancel the Patta issued to those third parties, but, the same was not considered. Therefore, the petitioner filed a Writ Petition in W.P.No.25779 of 2022, seeking a direction to consider the petitioner's representation dated 13.06.2022 and the same was disposed of, on 26.09.2022, directing the petitioner to submit fresh representation before the sixth respondent/Revenue Divisional Officer, Thiruvannamalai and who in turn shall consider the same and pass appropriate orders after issuing notice and conduct enquiry, within a period of six weeks, upon receipt of fresh representation from the petitioner. On 28.12.2022, the Revenue Divisional



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Officer, Thiruvannamalai, rejected the claim of the petitioner, and then he filed an appeal before the first respondent/District Revenue Officer. In support of filing the appeal and for producing the relevant records, he applied for certified copy of OSR records pertaining to his Village and he was waiting for one of the documents from the Collector Office, but the petitioner's request was denied, and they sought the same through the Right to Information Act, and he could not gather the documents. However, the petitioner filed the appeal on 29.05.2023, but, without going into the merits of the case, the first respondent rejected the petitioner's appeal only on the ground that it was filed belatedly. Hence, the present Writ Petition.

3. Today, when the matter is taken up for hearing, the learned counsel for the petitioner submitted that it would be suffice to give a direction to the first respondent to consider the petitioner's appeal dated 29.05.2023 and pass orders on merits and in accordance with law, within the time that may be fixed by this Court.

4. Mr. V. Veluchamy, learned Additional Government Pleader who takes notice for the respondents, submitted that the first respondent may be directed to consider the petitioner's appeal dated 29.05.2023 and pass orders



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on merits and in accordance with law.

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5. Since this writ petition is filed for limited paryer to consider the appeal filed by the petitioner and to direct the respondent to consider the appeal, and to pass orders on merits, the first respondent is directed to consider the petitioner's appeal dated 29.05.2023 filed against the order dated 28.12.2022 of the second respondent and issue notice to the petitioner, and interested persons/rival claimants if any, and also the respondent(s) in that appeal, after affording opportunity of hearing to all the parties concerned in the appeal and dispose of the appeal on merits, and in accordance with the law, within a period of two months from the date of receipt of a copy of this order.

6. With the above directions, the Writ Petition is disposed of. No costs.

11.12.2023

Index : Yes/No
Speaking order : Yes/No
Neutral Case Citation : Yes/No

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To:

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P. VELMURUGAN, J.

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