



W.P.No.34743 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.34743 of 2022

1. V.Nandhakumar
2. N.Ramachandran
3. M.Manokaran

... Petitioners

-Vs-

1. The Revenue Divisional Officer,
Pollachi, Coimbatore District.
2. The Tahsildar,
Pollachi Taluk, Coimbatore District.
3. Daniel Ulriksson

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 1st respondent to dispose the petitioner's representation/appeal dated 14.10.2022 within a stipulated time to be fixed by this Court.

For Petitioner : Mr.N.Ponraj

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader
[R1 and R2]



W.P.No.34743 of 2022

ORDER

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The prayer sought for herein is for a writ of mandamus directing the 1st respondent to dispose the petitioner's representation/appeal dated 14.10.2022 within a stipulated time to be fixed by this Court.

2. In respect of the property at S.No.78/2 in JamilUthukuli Village, Pollachi Taluk, Coimbatore District in Old Patta No.53, it seems that the name of the petitioner has been removed and the name of the third respondent had been inserted and patta was issued vide patta No.1949 dated 15.09.2022 in favour of the third respondent.

3. This according to the petitioners has taken place behind their back, therefore in order to cancel the same and to issue patta in favour of the petitioners or to restore the earlier patta stand in the name of the petitioners, the petitioners had preferred an appeal against the order of the Tahsildar to the first respondent Revenue Divisional Officer on 14.10.2022.



W.P.No.34743 of 2022

4. In order to decide the said appeal and to dispose the same on merits within a time frame that may be stipulated by this Court seeking a direction to the first respondent by way of mandamus, the present writ petition has been filed.

5. Heard Mr.N.Ponraj, learned counsel appearing for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents 1 and 2.

6. Learned Special Government Pleader appearing for the respondents 1 and 2 would submit that since it is an appeal within the meaning of Section 12 of the Patta Pass Book Act, 1983 pending before the Revenue Divisional Officer, it would be decided and disposed of on merits and in accordance with law of-course after giving an opportunity of being heard to the petitioner as well as the third respondent herein, he contended.

7. In view of the order going to be passed, notice to the third respondent is hereby dispensed with.



W.P.No.34743 of 2022

8. Having regard to the said submission made by the learned counsel appearing for the parties especially the learned Special Government Pleader appearing for the respondents 1 and 2, this Court is inclined to dispose of this writ petition with the following order:

That there shall be a direction to the first respondent to consider and decide the appeal filed by the petitioner dated 14.10.2022 against the patta issued by the second respondent Tahsildar dated 15.09.2022 to and in favour of the third respondent after giving notice to both the petitioner as well as the third respondent within a period of eight(8) weeks from the date of receipt of a copy of this order.

With this direction, this writ petition is disposed of. No costs.

02.01.2023

Index : Yes/No
Speaking order: Yes/No

mp



W.P.No.34743 of 2022

To
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Pollachi, Coimbatore District.
2. The Tahsildar,
Pollachi Taluk, Coimbatore District.



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W.P.No.34743 of 2022

R. SURESH KUMAR, J.

mp

W.P.No.34743 of 2022

02.01.2023