



W.P.No.34965 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.34965 of 2022

Malarkodi

.... Petitioner

-Vs-

1.The Revenue Divisional Officer
Thiruppadiripuliyur
Cuddalore 607 002
Cuddalore District.

2.The Tahsildar
Cuddalore Taluk
Cuddalore District-607 002.

3.M.Anjugam

4.M.Vignesh

.... 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 pass orders on petitioner's representation dated 02.11.2022 for cancellation of the patta in the name of the 4th respondent in respect of the 51 cents of land in M.S.No.32/1 in the Vellakarai Village, and issue patta to petitioner for the said land gifted to petitioner by petitioner's father by a deed of gift dated 17.02.2016 registered as Document No.587 in the office of 2016 Joint Sub Registrar, Cuddalore-2.



W.P.No.34965 of 2022

For Petitioner : Mr.S.Ayyathurai
For Respondents : Ms.Akila Rajendran
Government Advocate – for RR 1 and 2
Mr.R.M.D.Nasarullah
for M/s.D.Baskar – for RR 3 and 4

ORDER

The prayer sought for herein is for a Writ of Mandamus directing the 1st respondent to pass orders on petitioner's representation dated 02.11.2022 for cancellation of the patta in the name of the 4th respondent in respect of the 51 cents of land in M.S.No.32/1 in the Vellakarai Village, and issue patta to petitioner for the said land gifted to petitioner by petitioner's father by a deed of gift dated 17.02.2016 registered as Document No.587 in the office of 2016 Joint Sub Registrar, Cuddalore-2.

2. In respect of the land situated measuring 51 cents at M.S.No.32/1 in the Vellakarai Village, it is the claim of the petitioner that the land belongs to the petitioner which has been wrongly given patta by the 2nd respondent Tahsildar to the respondents 3 and 4. Therefore, challenging the same and to cancel the said patta, the petitioner has preferred an appeal before the 1st respondent Revenue Divisional Officer on 02.11.2022. The same, having been received by the 1st respondent, so far no orders since have been passed, the petitioner has moved



W.P.No.34965 of 2022

the present writ petition.

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3. Mr.S.Ayyathurai learned counsel for the petitioner having reiterated the aforesaid, would seek the indulgence of this Court.

4. Heard the learned Government Advocate and the learned counsel appearing for the private respondents.

5. Since the prayer sought for is innocuous in nature, where the petitioner only sought for a direction to the 1st respondent to decide the appeal filed which is pending before the 1st respondent within a time frame on merits and having taken note of the submissions made by the learned Government Advocate appearing for the official respondents, this Court is inclined to dispose of this writ petition with the following order.

“That there shall be a direction to the 1st respondent to consider the appeal filed by the petitioner dated 02.11.2022 and decide the same on merits and in accordance with law after hearing both the petitioner and the private respondents within a period of six weeks from the date of receipt of a copy of this order.”



W.P.No.34965 of 2022

R. SURESH KUMAR, J.

KST

6. With the above directions, this writ petition is disposed of. No costs.

28.02.2023

1/2

Index : Yes/No
Neutral Citation : Yes/No
Speaking Order / Non-speaking order
KST
To

1.The Revenue Divisional Officer
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W.P.No. 34965 of 2022