



WEB COPY



W.P. No.3710 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2023

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. No.3710 of 2023

1.S.Swaminathan

2.G.Kandasamy

... Petitioners

Vs.

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Public Office Road,
Kadambadi, Nagapattinam – 611 001.

2.The Tahsildar,
Nagapattinam.

3.The Zonal Deputy Tahsildar,
Taluk Office,
Nagapattinam – 611 001.

4.Salma

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 1st respondent to pass order on merits on our appeal representation dated 19.11.2020 for cancelling the order passed by the 2nd respondent dated 17.02.2020 and direct the 3rd respondent to restore patta in favour of the petitioners for the lands of an extent of 992.5 sq.mtrs. of Punja lands equivalent to



W.P. No.3710 of 2023

10683 sq.ft. of vacant land comprised in T.S.No.1247/1, New Sub Division No.1247/1C, Block No.29, Ward No.4, Kadambadi Bungalow Club Road, Nagapattinam purchased under sale deed dated 11.12.2009 registered on the file of the District Registrar, Nagapattinam bearing Document No.2208 of 2009 and an extent of 864.5 sq.mtrs of Punja lands equivalent to 9305 sq.ft. of vacant site comprised in T.S.No.1247/1, New Sub Division No.1247/1C, Block No.29, Ward No.4, Kadambadi Bungalow Club Road, Nagapattinam purchased under sale deed dated 11.12.2009 registered on the file of the District Registrar, Nagapattinam bearing Document No.2209 purchased by the petitioners under Sale Deed dated 11.12.2009.

For Petitioners : Mr.S.Sadasharam
For Respondents : Mr.R.P.Muruganraja
Government Advocate for R1 to R3

ORDER

The prayer sought for herein is for a writ of mandamus directing the 1st respondent to pass order on merits on the petitioners appeal representation dated 19.11.2020 for cancelling the order passed by the 2nd respondent dated 17.02.2020 and direct the 3rd respondent to restore patta in favour of the petitioners for the lands to an extent of 992.5 sq.mtrs. of Punja lands equivalent to 10683 sq.ft. of vacant land comprised in T.S.No.1247/1, New Sub Division No.1247/1C, Block No.29, Ward No.4, Kadambadi Bungalow Club Road, Nagapattinam purchased under



W.P. No.3710 of 2023

sale deed dated 11.12.2009 registered on the file of the District Registrar, Nagapattinam bearing Document No.2208 of 2009 and an extent of 864.5 sq.mtrs of Punja lands equivalent to 9305 sq.ft. of vacant site comprised in T.S.No.1247/1, New Sub Division No.1247/1C, Block No.29, Ward No.4, Kadambadi Bungalow Club Road, Nagapattinam purchased under sale deed dated 11.12.2009 registered on the file of the District Registrar, Nagapattinam bearing Document No.2209 purchased by the petitioners under Sale Deed dated 11.12.2009.

2. As against the order passed by the 2nd respondent Tahsildar dated 17.02.2020 pertaining to the Punja lands at T.S.No.1247/1 situated at Kadambadi Bungalow Club Road, Nagapattinam, the petitioners preferred an appeal to the 1st respondent on 19.11.2020.

3. Thereafter the 2nd respondent even though issued certain proceedings to send a report, it seems that, such reports whether have been sent or not is not known, anyhow the said appeal filed by the petitioners before the 1st respondent is pending from November 2020, therefore in order to dispose the said appeal at the earliest seeking direction from this Court to the 1st respondent, the petitioners have



W.P. No.3710 of 2023

moved the present writ petition.

WEB COPY

4. Heard Mr.S.Sadasharam, learned counsel appearing for the petitioners and Mr.R.P.Muruganraja, learned Government Advocate appearing for respondents 1 to 3. In view of the order going to be passed in this writ petition, notice to the 4th respondent is dispensed with.

5. The learned Government Advocate for the respondents would submit that, the said appeal filed by the petitioners dated 19.11.2020 would be decided on merits after giving an opportunity of being heard to both the petitioners as well as the 4th respondent by the 1st respondent within a time frame that may be stipulated by this Court.

6. Considering the said submission made by the learned Government Advocate for the official respondents, this Court is inclined to dispose of this writ petition with the following orders:

There shall be a direction to the 1st respondent to consider the appeal filed by the petitioners dated 19.11.2020 and decide the same after giving an opportunity of being heard to both the petitioners as well as the 4th



W.P. No.3710 of 2023

WEB COPY

respondent on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

7. With this direction, this Writ Petition is disposed of. No costs.

09.02.2023

Index : Yes / No

Speaking Order : Yes / No

Sgl

To

- 1.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Public Office Road,
Kadambadi, Nagapattinam – 611 001.
- 2.The Tahsildar,
Nagapattinam.
- 3.The Zonal Deputy Tahsildar,
Taluk Office,
Nagapattinam – 611 001.



WEB COPY



W.P. No.3710 of 2023

R.SURESH KUMAR, J.

Sgl

W.P.No.3710 of 2023

09.02.2023