



W.P(MD)No.3429 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3429 of 2023

Malleswari Nayagam

... Petitioner

Vs.

1.The Collector,
Dindigul District,
Thiagi Subramania Siva Malihai,
Velu Nachiyar Valaham,
Chettinaickenpatti,
Dindigul-624 004.

2.The District Revenue Officer,
Dindigul District,
Thiagi Subramania Siva Malihai,
Velu Nachiyar Valaham,
Chettinaickenpatti,
Dindigul-624 004.

3.The Sub Collector /Revenue Divisional Officer,
Kodaikanal Circle,
Kodaikanal-624 101.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the second respondent to dispose of the appeal in ROC No.28316/2021 filed by the petitioner within a time frame fixed by this Court.



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For Petitioner : Mr.Sharath Chandran
For Respondents : Mrs.S.Jeyapriya
Government Advocate

ORDER

Heard the learned counsel on either side.

2. The petitioner had purchased the petition mentioned property at a public auction held by the administrator of the Madras High Court on behalf of the financial establishment. The sale deed was executed in favour of the petitioner on 05.10.2001. The copy of the sale deed has been enclosed in the typed set of papers. Thereafter, the revenue records were mutated and the petitioner's name was duly incorporated. While so, vide order dated 17.02.2020, the third respondent cancelled the patta and classified the land as “தீர்வை ஏற்பட்ட தரிசு” Aggrieved by the same, the petitioner has filed an appeal before the second respondent. The petitioner wants this Court to direct the second respondent to speedily dispose of the petition mentioned appeal.

3. No exception can be taken to the said request. A reading of the order dated 17.02.2020 clearly indicates that it was passed without notice to the petitioner herein. The third respondent has mentioned in the order that they



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could not trace whereabouts of the writ petitioner. This reason cannot be accepted. Admittedly, the petitioner's name figures in the encumbrance register.

4. A mere look at the sale deed would have indicated the writ petitioner's address. Of-course, the address set out in the cause title and the address set out in the sale deed dated 05.10.2001 are different. The third respondent however did not make any effort to send a notice to the address mentioned in the sale deed. The third respondent appears to have chosen the lazy way of sending notice to the taluk office. Even though the violation of the principles of natural justice is apparent and evident on the face of the record, in as much as an appeal has been preferred before the second respondent, the second respondent is directed to pass final order on the petitioner's appeal within a period of two weeks from the date of receipt of a copy of this order.

5. The Writ Petition is disposed of accordingly. No costs.

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Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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To

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