



WP (MD) No.12713 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP (MD) No.12713 of 2017

and

WMP (MD) Nos.9824 to 9826 of 2017

A.Solai Thevar

... Petitioner

Vs

- 1.The Principal Secretary/
Commissioner of Survey and Settlement,
Survey House - 3rd Floor,
Chepauk, Chennai - 600 005.
- 2.The Settlement Officer,
Office of the Commissioner of Survey and Settlement,
Survey House,
Chepauk, Chennai.
- 3.The Assistant Settlement Officer (South),
Chepauk,
Chennai - 600 005.
- 4.The Sub Collector,
Palani,
Dindigul District.
- 5.The Land Settlement Tahsildar,
Palani,
Dindigul District.
- 6.The Tahsildar,
Palani,
Dindigul District.



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- 7.The Zonal Deputy Tahsildar,
Palani,
Dindigul District.
- 8.The Commissioner,
Palani Municipality,
Palani,
Dindigul District.
- 9.The District Registrar,
Registration Department,
Palani, Dindigul District.
- 10.The Assistant Accounts Officer,
Revenue Division,
TANGEDCO,
Palani, Dindigul District.
- 11.The Deputy Superintendent of Police,
Palani,
Dindigul, Dindigul District.
- 12.S.Appavu
- 13.M.Chitra
- 14.M.Chandra
- 15.Sarumathy
- 16.A.Arumugam
- 17.A.Meenakshi

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of mandamus, directing the 4th respondent to number and dispose of the appeal filed by the petitioner on 30.03.2017 against the order passed by the 7th respondent-Zonal Deputy Tahsildar,



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Palani on 23.12.2016 transferring patta in favour of the 12 to 17 respondents and further direct the 12th to 17 respondents or his authorised person or agents not to alienate, interfere or dispose of the property in TS.No.755 and 756/1, West Car Street, Palani on the basis of the patta granted by the 7th respondent, pending the outcome of the appeal filed by the petitioner before the 4th respondent.

For petitioner : Mr.A.Thirumurthy
For Respondent : Mr.M.Siddharthan
Nos.4 to 11 Additional Government Pleader
For Respondent : Mr.A.D.Ganesa Moorthy
Nos.12 to 15 & 17
For Respondent :Mr.R.Rajasekar
No.16
For Respondent :No representation
Nos.1 to 3

ORDER

This writ petition has been filed for a writ of mandamus directing the 1st respondent to dispose of the appeal filed by the petitioner on 30.03.2017 as against the order passed by the 7th respondent the Zonal Deputy Tahsildar, Palani dated 23.12.2016 transferring the patta in favour of the respondents 12 to 17 in TS.No.756/1, west



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car street, Palani and also sought for a direction to the respondents 12 to 17 not to alienate the property.

2.The learned Counsel for the petitioner submits that the petitioner has also filed a similar appeal before the 2nd respondent / the Settlement Officer and the same was disposed of by the 2nd respondent on 29.06.2018. As against that order, the petitioner has also filed an appeal before the 1st respondent Commissioner of Survey and Settlement on 13.07.2018 and arguments have also been advanced on either side before the Commissioner of Survey and Settlement and orders are yet to be passed.

3.In view of the subsequent development that this petitioner has also filed an appeal before the Commissioner of Survey and Settlement and arguments have also been advanced on either side, this writ petition is disposed of with liberty to the petitioner to work out his remedy in the pending appeal.



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4. The learned Counsel for the petitioner further submits that the petitioner apprehending that the respondents may create encumbrance on the property pending this appeal, had earlier approached this Court in WP (MD) No.17607 of 2018, wherein this Court by order dated 23.10.2018 directed the 1st respondent to dispose of the appeal within a reasonable time and also protected the interest of the petitioner that the subject property shall not be encumbered by any of the parties. When this Court has already given directions, no further order is required to be passed in this regard.

4. In the result, the 1st respondent is directed to conclude the proceedings in respect of the appeal filed by the petitioner within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently connected miscellaneous petitions are closed.

21.06.2023

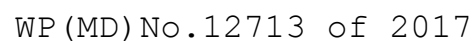
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Registration Department,
Palani, Dindigul District.



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B.PUGALENDHI, J.

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