



WEB COPY

W.P. No.1073 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.1073 of 2024

Pappanna

... Petitioner

Vs.

1. The District Revenue Officer
Krishnagiri District

2. The Tahsildar
Denkanikottai - 635107
Krishnagiri District

3. Nagaraj

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 2nd respondent to consider the appeal preferred by the petitioner dated 13.05.2023 and to dispose the same within a stipulated period as fixed by this Court.

For Petitioner : Mr.M.Mohamed Riyaz

For R1 and R2 : Ms.Akila Rajendran
Government Advocate



ORDER

This Writ Petition is filed seeking a Writ of Mandamus directing the 1st respondent to consider the appeal preferred by the petitioner dated 13.05.2023 and to dispose the same within a stipulated period as may be fixed by this Court.

2.The contention of the petitioner is the subject land comprised in S.No.245/4A measuring to an extent of 0.08.5 Hectares and S.No.245/4C measuring to an extent of 0.41.5 Hectares (1.07 cents in total) originally belong to his grandfather Mathanagiriyappa and Patta in respect of the said land also stood in his favour. However, in UDR “A” Register, it was mistakenly mentioned as Annaiyappa @ Muniyappa. By using the same, the 3rd respondent illegally disturbed the petitioner's peaceful possession. Hence, a suit for declaration of title and permanent injunction in O.S.No.41 of 2022 was filed before the Additional District Judge, Krishnagiri and the same is pending. While so, the 3rd respondent preferred a complaint before the 2nd respondent and the 2nd respondent after enquiry, without considering the pending suit, passed an order in Pa.Mu.1202/2023/A1 dated 15.04.2023 to include the name of Annaiyan @ Muniyappa jointly as per the UDR “A Register” in the computerized Chitta”. Hence, the petitioner preferred an



appeal on 13.05.2023 before the 1st respondent. But the same has not been considered so far. Hence, the petitioner was constrained to file the present writ petition before this Court.

3. Ms.Akila Rajendran, learned Government Advocate who takes notice for the respondents submitted that a direction may be issued to the 1st respondent to dispose of the appeal filed by the petitioner within a stipulated time as the case may be.

4. Since no adverse order is to be passed by this Court against the 3rd respondent, notice to the 3rd respondent is dispensed with.

5. It is to be noted that this Court, in W.P.No.262 of 2018 (D.Tulasi vs. The District Revenue Officer, Dharmapuri etc. and batch), by order dated 09.06.2023, directed the Department to issue circular in regard to disposal of the application/petition/revision/appeals and etc., within time limit and obey the Court orders and in that regard, the Commissioner of Land Administration has also issued a circular No.R1/2005632/2022 dated 17.07.2023 as to how the matters have to be dealt with and within the period of which, the matters have to be disposed of has been fixed in the circular, and inspite of the same,



the Departments are not following either the order of this Court or the circular.

WEB COPY

6. It is seen that the petitioner has filed the appeal on 13.05.2023 and the same is pending for more than 7 months. However, since this writ petition is filed seeking a simple writ of mandamus, this Court without expressing any opinion with regard to the merits of the case, directs the 1st respondent to issue notice to the petitioner and the 3rd respondent herein and also to the interested parties/rival claimants/objectors if any, as the case may be and conduct enquiry in the manner known to law and dispose of the petitioner's appeal dated 13.05.2023 on merits and in accordance with law. The said exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition is disposed of at the admission stage itself. There shall be no order as to costs.

19.01.2024

ksa-2

Index : Yes / No

Neutral Citation Case : Yes/No



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W.P. No.1073 of 2





WEB COPY

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P.VELMURUGAN. J.

Ksa-2

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