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W.P. No.5338 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.5338 of 2024

P.Nagabhushanam

... Petitioner

Vs.

1. The District Revenue Officer
Thiruvallur, Thiruvallur District

2. The Revenue Divisional Officer
Thirutani, Thiruvallur District

3. The Tahsildar
R.K.Pettai Taluk, Thiruvallur District

4. Eswari Ammal

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to conduct enquiry and dispose of the appeal petition dated 05.10.2023, filed by the petitioner before the 1st respondent in accordance with law and forthwith direct the 3rd respondent not to effect Patta transfer until the disposal of the appeal petition dated 05.10.2023 before the 1st respondent.



W.P. No.5338 of 2024

For Petitioner : Mr.R.Narayana
For R1 to R3 : Mr.A.Selvendran
Special Government Pleader

ORDER

This Writ Petition is filed seeking to issue a Writ of Mandamus directing the 1st respondent to conduct enquiry and dispose of the appeal petition dated 05.10.2023, filed by the petitioner in accordance with law and forthwith direct the 3rd respondent not to effect Patta transfer until the disposal of the appeal petition dated 05.10.2023.

2. The learned counsel for the petitioner submitted the 4th respondent herein based on the judgment and decree made in A.S.No.426 of 1995 dated 11.04.2005 in order to mutate the properties which were in possession and enjoyment of the petitioner for more than three decades, made an application after lapse of 26 years before the 2nd respondent on 13.09.2021 to cancel the Patta stands in the name of the petitioner and his deceased son. After receiving summons from the 2nd respondent, the petitioner filed his submissions and also produced all the relevant



W.P. No.5338 of 2024

documents to substantiate his case. However, the 2nd respondent did not

consider the same and allowed the application filed by the 4th respondent on 11.09.2023 vide proceedings in Na.Ka.No.741/2023/A4 and directed the 3rd respondent to effect transfer of Patta in favour of the 4th respondent. Aggrieved by the order of the 2nd respondent, the petitioner has preferred an appeal dated 05.10.2023 before the 1st respondent and the same has not been considered so far. Meanwhile, the 3rd respondent based on the directions of the 2nd respondent, effected mutation of Patta in favour of the 4th respondent vide proceedings in Na.Ka.No.2284/2021/A6 on 17.10.2023. Hence, the present Writ Petition is filed.

3. Mr.A.Selvendran, learned Special Government Pleader takes notice for the respondents 1 to 3. Since no adverse order is being passed against the 4th respondent, notice to the 4th respondent is dispensed with.

4. Having regard to the submissions made by the learned counsel on either side and since this writ petition is filed seeking a simple writ of mandamus to dispose of the appeal dated 05.10.2023, this Court without



W.P. No.5338 of 2024

expressing any opinion with regard to the merits of the case, directs the 1st

WEB COPY

respondent issue notice of hearing on the appeal to the petitioner and to the

4th respondent herein and also to the interested parties/rival

claimants/objectors/any other parties involved in the appeal as the case

may be and after giving opportunity of hearing to all the parties, dispose of

the appeal and pass orders on merits and in accordance with law, within

the time as prescribed in the circular No.R1/2005632/2022 dated

17.07.2023 issued by the Commissioner of Land Administration, from the

date of receipt of a copy of this order.

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

04.03.2024

ksa-2

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



W.P. No.5338 of 2024

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WEB COPY

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Thiruvallur, Thiruvallur District
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WEB COPY



W.P. No.5338 of 2024

P.VELMURUGAN. J.

Ksa-2

W.P. No.5338 of 2024

04.03.2024