



WEB COPY

W.P. No.35676 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.35676 of 2023

S.Poonkodi

... Petitioner

Vs.

1. Mrs.Vennila

2. The Tahsildar
K.V.Kuppam Taluk
Vellore District

3. The Revenue Divisional Officer
Gudiyatham
Gudiyatham Taluk
Vellore District

4. The Inspector of Police
Panamadangi Police Station
Panamadangi, K.V.Kuppam Taluk,
Vellore District

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the 3rd respondent to dispose the appeal dated 15.05.2023, filed by the petitioner within a time frame fixed by this Court.

For Petitioner : Mr.N.Sampath
For R2 and R3 : Ms.Akila Rajendran
Government Advocate
For R4 : Mr.S.Sugendran
Additional Public Prosecutor



ORDER

This Writ Petition is filed seeking a Writ of Mandamus directing the 3rd respondent to dispose the appeal dated 15.05.2023, filed by the petitioner within a time frame as may be fixed by this Court.

2. The contention of the petitioner is that the petitioner filed an appeal before the 3rd respondent on 15.05.2023 to cancel the bogus patta issued in the name of one Vennila by the District Revenue Officer and the 3rd respondent has so far not disposed the same. Since the appeal is pending for more than 7 months, he is constrained to file this writ petition before this Court seeking a direction to the 3rd respondent for the early disposal of the appeal.

3. Ms.Akila Rajendran, learned Government Advocate who takes notice for the respondents 2 and 3 submitted that a direction may be issued to the 3rd respondent to dispose of the appeal filed by the petitioner within a stipulated time as the case may be.



4. Heard and perused the materials available on record.

5. Since the 4th respondent/Police is nothing to do with the appeal pending before the 3rd respondent, this Writ Petition is dismissed insofar as the 4th respondent/Police is concerned.

6. Insofar as the 1st respondent is concerned, since there is no adverse order is passed by this Court as against the 1st respondent, notice to the 1st respondent is dispensed with.

7. It is seen that the appeal is pending with the 3rd respondent from 15.05.2023. 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.

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8. Since the appeal dated 15.05.2023, filed by the petitioner is pending with the 3rd respondent for more than 7 months, this Court taking into consideration the limited prayer sought for by the petitioner, without expressing any opinion with regard to the merits of the case, directs the 3rd respondent to conduct enquiry in the manner known to law and after issuing notice and giving opportunity of hearing to the petitioner and the respondent/s in the appeal and also the interested parties/rival claimants/objectors if any as the case may be, dispose of the appeal filed by the petitioner dated 15.05.2023 on merits and in accordance with law. The said exercise shall be completed within a period of two months from the date of receipt of a copy of this order.

9. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

02.01.2024

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Index : Yes / No

Neutral Citation Case : Yes/No



To

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K.V.Kuppam Taluk
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P.VELMURUGAN. J.

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