



WEB COPY



WP.No.20212 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **22.07.2024**

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.20212 of 2024

1. S.Padmavathy
2. P.Babu Venkatesh
3. P.Shelva Kumar

.. Petitioners

Versus

1. The District Collector,
Collector Office, Salem – 636 001.
2. The Revenue Divisional Officer, Subramania Nagar,
Suramangalam, Salem- 636 005.
3. The Tahsildar, Salem Town,
Hasthampatti, Salem – 636 007.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the second respondent to dispose of Appeal bearing ROC.No.188 of 2024 dated 30.12.2023 filed against the Order of the third respondent in Na.Ka.5005/2002 A7 thereby grant patta to the petitioners as per RSO 31[4] [ii].

For Petitioners : Mr.S.Rajendrakumar

For Respondents : Mr.P.Sathish
Additional Government Pleader



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ORDER

With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This Writ Petition is filed to direct the second respondent to dispose of Appeal bearing ROC.No.188 of 2024 dated 30.12.2023 filed against the Order of the third respondent in Na.Ka.5005/2002 A7 thereby grant patta to the petitioners as per RSO 31[4] [ii].

3. Heard learned counsel for the petitioners and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

4. The case of the petitioners is that their paternal great grandmother purchased the sub property vide sale deed dated 25.05.1925 and their sale is also reflecting in the encumbrance certificate and they are cultivating in their land. It is their further case that subsequent to their father filing a suit in O.S.No.629 of 1995 on the file of the District Musif Court, Salem against the respondents and decree passed in favour of the petitioners, the respondents recognized their right



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and title over the lands and at present the petitioners are in possession and enjoyment of the property. While so, the petitioners approached the second respondent for issuance of patta and as the third respondent has not considered their representation, they filed a Writ Petition in W.P.No.5355 of 2020 and pursuant to the Order of this Court dated 07.03.2020, the Tahsildar rejected the claim of the petitioner without considering the merits of their case. As against which the petitioners filed an appeal before the second respondent and the same is pending without any progress. Hence, the present Writ Petition to direct the second respondent to dispose of their appeal.

5. Considering the limited relief sought for in this writ petition, the second respondent is directed to dispose of the appeal filed by the petitioner in ROC.No.188 of 2024 dated 30.12.2023 on merits and in accordance with law after affording opportunity to the all the parties concerned and taking note of the Civil Court decree and also RSO 31[4] [ii], within a period of two months from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

18.07.2024



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Index :Yes/No

Internet :Yes/No

Neutral Citation : Yes/No

To,

1. The District Collector,
Collector Office, Salem – 636 001.
2. The Revenue Divisional Officer, Subramania Nagar,
Suramangalam, Salem- 636 005.
3. The Tahsildar, Salem Town,
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N. SATHISH KUMAR, J.

vrc

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